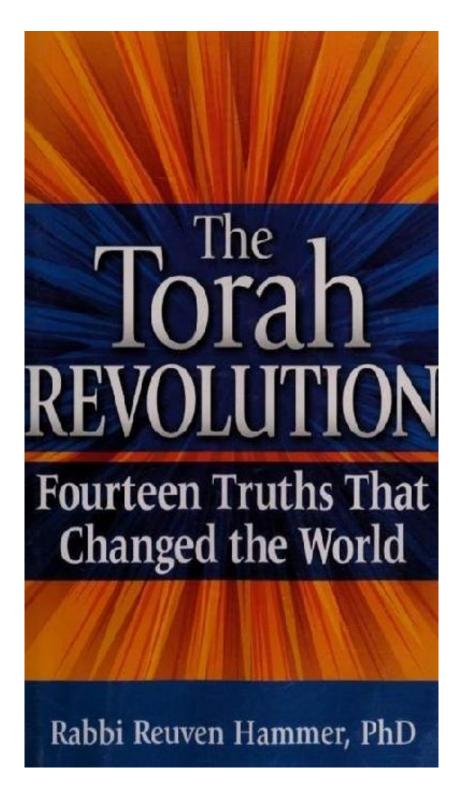


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"We have never fully achieved the vision that Moses bequeathed to us. It remains as vital today as it ever was, a guide to life and a challenge to humanity." - from the Afterword

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The Torah REVOLUTION

Fourteen Truths That Changed the World

Rabbi Reuven Hammer, PhD

For People of All Faiths, All Backgrounds JEWISH LIGHTS Publishing Woodstock, Vermont

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Fourteen Truths That Changed the World 2011

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Dedication:

To our three great-grandchildren,

Eliya, Nadav, and Levi, and those who will come after—You must be very strong and resolute to observe faithfully all the Teaching that My servant Moses enjoined upon you. Do not deviate from it to the right or to the left, that you may be successful wherever you go. *Joshua 1:7*

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Preface

This book would not have been possible without the work of outstanding biblical scholars, whose insights into the background and basic meaning of the texts of the Torah have revealed much that was previously unknown and hidden. They are not responsible for what I have written, but without their work, I could never have conceived this book. The seminal work of Yehezkel Kaufmann, to which I was first introduced by Professor Shalom Speigel in my years at the Jewish Theological Seminary, forms the basis of my understanding of the early religion of Israel. It was also my privilege to study with Kaufmann at the Hebrew University. I must single out for special mention three of the greatest biblical scholars who unfortunately all passed away while I was working on this volume: Moshe Greenberg, Jacob Milgrom, and Yochanan Muffs. These extraordinary men were colleagues and friends from whose insightful works I have drawn liberally. The biblical commentaries and articles of the late Nahum Sarna and of Baruch Levine and Shalom Paul were also extremely helpful, as were the comments of Bezalel Porten. I owe special thanks to Jeffrey Tigay, not only for his work on Deuteronomy, but also for his generosity in commenting on my initial plans and providing me with helpful biographical material. Needless to say, these men are not responsible for my work and my conclusions, and all faults and errors are mine.

I have often consulted the 1985 Jewish Publication Society translation of the Bible for biblical quotations, but the translations also reflect my interpretations of the verses and vary accordingly. I have attempted to use gender-free language when referring to God and in other instances as well, although there are times when this has not been possible because of the awkwardness that resulted. Let it be clear, however, that gender is a realm that does not apply to God.

I must note that these fourteen truths are often closely related to one another. From time to time, this may result in the need to recapitulate material that has been mentioned before to clarify the specific matter under discussion. Nevertheless, I believe that each point is sufficiently important in itself to warrant an intensive discussion, and I ask the reader's indulgence.

I want to express my sincere thanks to my editor, Bryna Fischer, for her dedicated work and helpful suggestions in putting this manuscript into its final form. Lastly, my continual appreciation to my wife, Rahel, who has constantly but patiently encouraged me to turn my ideas into books.

INTRODUCTION: Torat Moshe—The Teaching of Moses

A previous book of mine, a commentary on each Torah portion, encompassed the entire Torah from *alef* to *tav*. Writing it was a unique experience. Usually Jews concentrate on one specific portion, or parashah, at a time. Even if we do that week by week in successive order, we still tend to see the trees and not the forest. Doing it this way—relating to the Torah as a whole, as a unity—I was able to discern what I see as the basic values and concepts underlying the entire Torah.

My intent, then, in writing this book was to discover and explore those core concepts on which the original religion of Israel was based, as expressed in the Torah. In doing this, I have concentrated on revealing what I believe to have been the ideas that were espoused when these documents were first conceived, as much as that is possible. Therefore, I have not dealt extensively with the later developments and changes that look place as the Torah was interpreted and reinterpreted time and again. To do so in depth would be beyond the scope of this volume. Not that I do not appreciate them and see their value. I do. As Solomon Schechter said, "A return to Mosaism would be illegal, pernicious and indeed other hand, sometimes the plethora impossible." On the interpretations and the layers of later meanings can make us forget or at least obscure the fundamental truths that started this revolution. Therefore, when I refer to postbiblical works, it is mainly to show how they were influenced by these Torah truths and carried them forward. The entire Torah may not be the work of Moses in the most literal sense, but it certainly contains the concepts of Moses and his instructions to Israel as various schools of thought through the centuries that followed his existence interpreted them. As biblical scholar Jeffrey Tigay put it, "The great structure of Jewish law that eventuated from Moses's original teachings is ultimately his, even if he would not recognize the forms it would eventually take. In that sense the writers of Deuteronomy, too, have given us the Teaching of Moses, that is, a statement of his fundamental monotheistic teaching, designed to resist the assimilatory temptations of the writers' age and to preserve monotheism for the future."

I am well aware that there are different strands within the Torah, that

it reflects different groups, and that there are various emphases that each group brought. It is generally accepted in scholarly circles today that four main strands were blended into one: J, in which the four-letter name of God, YHVH, is used; E, which refers to God as Elohim; P, the Priestly code; and D, the Deuteronomic school. A Redactor, R—probably Ezra the scribe—likely oversaw the work of final redaction. See Nehemiah 9, where Ezra presents this document to the people as the constitution of the returned exilic community in 444 BCE. When all is said and done, the common ground among these groups far outweighs the differences, and the basic insights underlying them all create a whole that is greater than the sum of its parts.

The twentieth-century biblical scholar Jacob Milgrom once explained that he had no problem referring to the Torah as Torat Moshe—the Torah (Teaching) of Moses—even though all Milgrom's work was based on the assumption that the Torah we have was not brought into its final form until hundreds of years after Moses's death. Milgrom believed all of the documents of the various schools that were eventually put together to form our Torah were elaborations of Moses's basic teachings, which had been passed on from generation to generation. Unfortunately, we no longer have that urtext, that basic document, but it underlies the work we do have. Although each such group of teachers differed from the other in certain emphases and even in some basic theological conceptions, they were all influenced by what Moses had taught and built on his ideas. Indeed, I believe that certain basic concepts, which I have chosen to call "truths," informed all of these teachings. When I use the term "truths," I mean basic ideals presented in the Torah that rest on belief and not on scientific proof. Much as the American Declaration of Independence spoke about truths that were "self-evident," so too these truths contained in the Torah are self-evident.

If I am correct, Moses was a genius, a great original religious thinker, innovator, and revolutionary who transformed the important religious insights of the patriarchs, Abraham, Isaac, and Jacob, into a dynamic new religion. That religion of Israel, later known as Judaism, would go on to influence the world and yield a new way of understanding God and the meaning of human life.

Behind the teachings of the Torah stands the extraordinary personality of this man Moses—Moshe. We can never know more of him than the Torah itself tells us. All the rest is speculation. Although everything in the Torah is ascribed to divine revelation, so that all the laws and concepts are deemed to be the authorship of God and not of Moses, who is only the conduit, nevertheless this conduit was not an empty vessel. Whatever our conception of divine revelation, the intellect and the moral and ethical sensitivity of Moses deserve appreciation. We tend to look in admiration at his courage and his leadership in undertaking, however reluctantly, the liberation of a powerless slave nation from the greatest power on earth. We forget that he also had to deal with the ideals and institutions that would be needed to make that group first into a people and eventually into a nation. It is not my contention that all of the laws as we have them in the Torah were the fruit of Moses's mind. Undoubtedly, many of these formulations were the product of individuals and groups that followed him, but the fundamental concepts on which they were based can, I believe, be ascribed to him.

Moses was a great religious innovator with a broad view of humanity and the world who had a vision, perhaps too utopian, of what a godly society should be. It is that vision I have attempted to explore in revealing the basic truths on which the Teaching of Moses, the Torah, is based.

The Torah based on Moses's insights is a radical book, a revolutionary book. We tend to think of documents such as the English Magna Carta, the French Declaration of the Rights of Man. and the American Declaration of Independence as radical and revolutionary in the good sense of those terms. But the Torah was and is no less radical. It was a revolution in its day, and the amazing thing is that now—some three thousand years later—it has not lost its radical flavor.

When dealing with the story of creation I wrote:

Like a bolt of lightning. Genesis shattered ancient myths and replaced the chaos of paganism with the light of the belief in one power—one God—whose will is supreme.

That sentence very much captures my feeling about the entire Torah—it shattered ancient beliefs and replaced them with profound new insights and beliefs. They are givens that serve as the basis of the Torah's faith, even though they were not always lived up to in actual life or even in all of the Torah's laws and texts. The implications of these new concepts are

not always carried to the furthest point of implementation. Sometimes that took generations, and sometimes there were retreats from the purity of these ideas. Some have yet to be fully realized. I am reminded of the fact that America was founded on the statement that "all men are created equal," yet it took one hundred years before blacks were freed from slavery and ostensibly made legally equal. It took longer than that before women were permitted to vote. A similar thing has happened with the Israeli Declaration of Independence, which is far from having been realized. The implications of basic ideas and the implementation of these ideas are often not simultaneous with their first utterance. The text of the Torah represents the time in which it was given and the then current conditions of life and often does not reach the ultimate goal inherent in the truths contained therein.

I have identified fourteen revolutionary, radical ideas in the Torah. Some are more important, some less so; and they are often interrelated. Understanding these concepts helps us understand the narratives and the laws in the Torah. They did not emerge in a vacuum. The following is a brief description of each truth. The chapters of the book will explain them in depth.

- 1. The first of these revolutions, as indicated, lies in the very concept of God. All the elements of myth are absent. God is not in nature but above nature. God is in essence unknowable—but not unknown. Such a concept is liberating, freeing not only our understanding of a God of limitations and a bondage to fate, but also freeing the human being to create an image of God that is constantly changing and expanding to meet the challenges such new knowledge brings.
- 2. There is no supernatural evil force in the world—only the inclination of humans toward evil. Other religions posited many gods or sometimes only two—good and evil, light and darkness. The Torah rejects the idea that there is any such evil force in the world.
- 3. Morality is God's supreme demand on all human beings, as witnessed by the stories of the flood and of Sodom and Gomorrah. The prophets emphasize this time and time again, but the origins are in the Torah itself.
- 4. The purpose of worship changes from providing the gods that which they need and conducting rituals that have an effect on them into an act for the benefit of the human being. This allowed for the

- development of verbal worship—prayer—divorced from sacrifice, which in turn led to an institution—the synagogue—a place of worship without sacrifice that revolutionized human worship.
- 5. The fifth revolutionary concept is the value of human beings. Humans are differentiated from all others in that they are created in the image of God. Therefore, human life is sacred; it is an absolute value.
- 6. Next is the equality of all human beings. There is only one common ancestor for us all, regardless of race or religion. The Torah and the rest of the Hebrew Bible never make Jews— Israelites—superior to other human beings. This also leads to the idea that each individual is important and is unique.
- 7. The seventh is the equality of men and women. Unfortunately, this equality was not carried out to its ultimate end in legislation where, especially with respect to marriage, men are given greater rights.
- 8. Human beings are granted free will and are not in the hands of fate; the concept of choice is the very opposite. No one is doomed in advance. All of human responsibility comes from this idea. The High Holy Days as they exist today are predicated on the idea of choice.
- 9. The sovereign—if there is to be one—has limitations and is subject to the rules of the Torah because God is the only absolute Sovereign. Even if there were to be a human sovereign, he would not be a supreme leader, and certainly not a god.
- 10. The priesthood is given an entirely new meaning, totally divorced from magic, healing, or riles that bring about any divine action. Priests have no special powers. They can pronounce God's blessing but cannot themselves cause either blessing or curse. They can teach the people Torah but possess no secret knowledge that is kept from the public.
- 11. The Torah contains several laws governing economics. They include the equitable distribution of land, including the return of the land and the forgiveness of debts in the Jubilee year. This economic plan may be totally unrealistic, but it sets an impressive and challenging standard.
- 12. Another given is the virtual abolition of Israelite slavery. The experience of Egypt caused us to be sensitive to the plight of the slave and to mitigate all slavery.
- 13. The impoverished, the needy, and the stranger must be treated properly. This, too, is based on the experience of Israel in Egypt. We were strangers and know what that means.

14. The institution of a day of rest for all—servants and animals included —is a radical social concept. Everyone is entitled to that most elementary thing—time off.

Taken together, these fourteen truths paint a picture of the world, of human beings, of society, of religion, and of morality that is surprisingly modem and relevant. They are not provable in any scientific way, nor can they be disproved. They are givens based on prophetic insight or, if you will, on divine revelation. They teach that humanity is one, as God is one. That magic and superstition are falsehoods. That humans are responsible for their actions and have the choice to do good or evil. That poverty and deprivation, slavery and hatred are evils that must be eradicated. That the earth is not ours to destroy. That love of others is a divine command. A society based on these principles would revolutionize the world.



Part 1: DIVINITY

3: Morality Is God's Supreme Demand

Revolutionary Truth #3:

Morality is God's supreme demand of all human beings. Ritual is secondary to right conduct.

I am El Shaddai. Walk in My ways and be blameless. *Genesis* 17:1

For I have singled him out, that he may instruct his children and his posterity to keep the way of YHVH by doing what is just and right. *Genesis* 18:19

Who may ascend the mountain of YHVH? Who may stand in His holy place?—

One who has clean hands and a pure heart.

Psalm 24:3-4

Abraham and the God of Justice

According to the Torah's tradition, as far back as Abraham, the very first Hebrew, it was a given that God was a God of justice. Although Abraham's exact concept of the nature of that God is not spelled out, the Torah makes clear that he knew that his God was a righteous God who placed supreme value on justice and righteousness in human conduct above any considerations of ritual or correct worship. This can be seen from the story of the cities of Sodom and Gomorrah. Although Abraham believed that his God was a God of justice, it was not justice in the sense of harshness, but justice combined with mercy. Therefore, Abraham could reason with God and say, "Shall not the judge of all the earth deal justly?" (Gen. 18:25), utilizing a play on words, because both "judge" and "justly," shofet and mishpat, come from the same Hebrew root. After all, what Abraham asks of God is not simply to save the righteous in the city, which would be strict justice, but to save an overwhelming number of sinners if there were even ten righteous people. The Sages understood this when they ingeniously turned that question into a statement, so that according to them, Abraham said to God:

The judge of all the earth shall not do justice. If You want the world to exist, there cannot be strict justice. If You want strict justice, the world cannot exist. You are trying to hold the rope by both ends. You want both the world and strict justice. If You do not let strict justice go, there will be no world.

Therefore, there must be justice tempered with mercy. A God who is the embodiment of such justice also requires it of human beings above all else. God's decision to destroy these cities is not based on their idolatry, but on one consideration alone: immoral conduct, as exemplified by the cruel treatment of the angels, whom the inhabitants thought were simply strangers (Gen. 19:4-11). Instructive, too, is the fact that God informs Abraham of what is to happen so that he will teach his progeny to do "that which is right and just" (Gen. 18:19). Ethical monotheism in the Torah and the later teachings of the prophets of Israel were based on the belief that justice and righteousness were the very foundations of religion.

The God of Mercy

Moses also learns and imparts to Israel the ethical and merciful nature of God. In the story of the Golden Calf, Moses asks to see God's "Presence" (Exod. 33:18), meaning to understand God's nature. Although the answer —"You will see My back; but My face must not be seen" (Exod. 33:23)—means that no one can fully understand the Divine, God does reveal to Moses what has come to be known as the Thirteen Attributes of God:

YHVH! YHVH! a God compassionate and gracious, slow to anger, abounding in kindness and faithfulness, extending kindness to the thousandth generation, forgiving iniquity, transgression, and sin; yet He does not remit all punishment, but visits the iniquity of parents upon children and children's children, upon the third and fourth generations. (Exod. 34:6-7)

These words themselves are an enlargement of the expression of God's qualities—particularly that of mercy—in the Ten Commandments, where God is described as "visiting the guilt of the parents upon the children, upon the third and upon the fourth generations of those who reject Me, but showing kindness to the thousandth generation of those who love Me" (Exod. 20:5-6).

In an act of exegetical daring that is typical of the development of later Rabbinic Judaism, when editing the verses in Exodus 34 for use in Jewish prayer—where they appear as a plea for God to act mercifully and forgiving—the Sages broke off the Hebrew of the second verse in a way contrary to its meaning, so it would read not "yet He does not remit all punishment" (v. 7) but rather "and remitting all punishment." Thus, the Rabbinic Sages went a step further in their desire to emphasize the merciful nature of God and minimize God's punishment.

In one of his last orations to the Israelites, Moses gives his understanding of the nature of God, a three-part summation of all he has attempted to teach them in their forty-year journey:

For YHVH your God is God supreme and Lord supreme, the great, the

mighty, and the awesome God, who shows no favor and takes no bribe, but upholds the cause of the fatherless and the widow, and befriends the stranger, providing him with food and clothing. You too must befriend the stranger, for you were strangers in the land of Egypt. (Deut. 10:17-19)

In the first section, Moses asserts the supremacy of God and God's greatness and power, painting an awesome portrait of an unimaginable Divine Power. In the second part, he depicts a God who is the very essence of morality and who cares for the indigent and the needy, even providing them with the basic necessities of life. Finally, in the third section he comes to the important point: each of you—the Israelites must imitate God's qualities of honesty, morality, and care. This teaching informs all of the Torah and influenced the teachings of the prophets and of later Judaism as well. Its meaning is clear: morality-ethical living, acting justly and mercifully—is the absolute demand of God. Rituals, as important as they may be, are secondary. As scholar of Jewish thought Louis Finkelstein writes, "The dominant principle of the Torah, whether love for man or obedience to God, obviously expresses itself in every commandment—ritual, moral, or legal. But perhaps we may take it that from the viewpoint of the School of Hillel, the legal and moral law reflects the ideas of Torah directly and the ritual system only indirectly." This radical and revolutionary idea dominates the stories and the legislation of the Torah and is at the very heart of the ancient religion of Israel.

The religion of Israel teaches that all of the laws of the Torah stem directly from God. Moses is not the originator of these statutes; rather, the Torah depicts him as the prophet who conveys God's will to the people, the mouth of God. In this way, the legislation of the Torah is differentiated from that of other ancient Near East civilizations where the king— Hammurabi being the best-known example—was always the lawgiver. The laws and their enforcement were his domain. "I established law and justice in the language of the land, thereby promoting the welfare of the people. At that time (1 decreed)," reads the prologue to the Code of Hammurabi.⁴ Not so in Israel, where instead the laws are preceded by "YHVH spoke to Moses, saying: Speak to the Israelite people thus," or similar words. Because of this, all laws—or, as they came to be known, *milzvot*, "commandments"—whether concerning civil matters or ritual

ones, attained the status of God's will. This in itself was revolutionary because it elevated rules of ethical conduct from being merely laws of the welfare of the community to being statutes directly stemming from the divine will. At the same time, these demands of ethical living became the *supreme* demands, expressing the very essence of God's being and desires for human beings, and carrying with them a religious purpose, the achievement of sanctity—"You shall be holy" (Lev. 19:2)—a holiness predicated on ethical living. Not to act justly is not merely a violation of a social norm or a crime against the state; it is a sin against God.

Penalties Lenient and Strict

Many of the civil statutes are similar to laws found in other ancient codes, but frequently they differ in the nature of penalties for their violation. Some of these differences are because of a tendency toward greater leniency and mercy. Some can be attributed to basic concepts of Israelite religion that differed from those of other religions of the time. Moshe Greenberg has pointed out that the Torah's view of both the sanctity of human life and the absolute nature of God-given rules account for many of these differences. For example, a woman's adultery in the Torah is not solely an offense against the husband but an offense against God as well. Therefore, whereas in Mesopotamian law the husband could decide not to punish the wife, in the Torah he has no say in the matter (Lev. 20:10; Deut. 22:22). Mesopotamian law allowed the king to pardon capital offenses and permitted ransom for murder. A life could be compensated for monetarily or by another life. That is impossible in the Torah because human life is sacred (Exod. 21:12-17; Gen. 9:5-6). Later on, this same concept led the Rabbis to enact rules of evidence so strict that capital punishment was virtually impossible." In a discussion that was purely theoretical because the right of the Sanhedrin to execute anyone had ceased decades before, a court that executed a person once in seven years was called "murderous." Rabbi Elazar ben Azanah said that this was so even if it was only once in seventy years, and both Rabbi Tarphon and Rabbi Akiba declared that "had we been members of the Sanhedrin, no one would ever have been executed." Only Rabban Shimon ben Gamliel protested, saying that if so, they would have multiplied murderers in Israel (Talmud. Makkot 1:11).

The Role of Rite

Religion by definition has always included rituals in which the worshipper serves the realm of the Divine. In this, Israelite religion was no different. The rituals that were held in the Temple were called "the service" (*avodah*), and in later Judaism, prayer was termed "the service of the heart" (*avodah she-balev*). The difference lay in the meaning, emphasis, and content of such worship, and the fact that morality was no less a part of obedience to God than ritual, but rather the opposite: morality was the very essence of obedience to God. This difference was made possible by the new understanding of the nature of God that we discussed in chapter 1.

To briefly recapitulate: Near Eastern religions, whether those of Abraham's Mesopotamia or Moses's Egypt, all worshipped gods who were dependent on their followers to supply their needs, both physical and metaphysical. Since the gods themselves were subject to external forces, had physical needs for food and drink, and could be dominated by magic and incantation, even needing these to sustain their power, these deities were truly in need of human beings. The elaborate rites celebrated in the gods' magnificent temples provided those needs, including food and shelter. The God of Israel was above all of that. YHVH could dispense with sacrifices and could even raze the Temple-YHVH's "dwelling"because God was not in need of any physical dwelling. Solomon's statement at the dedication of the First Temple that "even the heavens to their uttermost reaches cannot contain You" (1 Kings 8:27) is an expression of that conviction. All worship, therefore, was simply for the benefit of Israel, to bring the worshipper closer to God. What need, then, does this God have for human beings?

God Needs Human Beings

In his inspirational book *God* in Search *of* Man, Abraham Joshua Heschel notes that "Where are you?" is God's first question to Adam (Gen. 3:9). It is the basic question asked of every human being. God searches for and needs to find human beings, not for the purpose of serving God's personal needs but to create the human society that God wishes to see on earth. "All of human history as described in the Bible may be summarized in one phrase: God in search *of* man."

The new understanding of God as presented in the Torah thus changes the very nature of our relationship to God and redefines the purpose and importance of ritual. In its place comes the imperative to imitate God, a God whose very essence is morality. "You shall be holy, for I, YHVH your God, am holy' (Lev. 19:2). The Holiness Code, as this section has come to be known, includes ritual laws because these are needed to connect humans with the presence of the Divine, but the vast majority of the laws there are moral imperatives: leave gleanings for the poor and the stranger, practice honesty and truthfulness, treat workers properly, love your fellow and the stranger, care for the aged. This idea is repeated in Deuteronomy 10:17-19, quoted above. Exodus teaches that God is not only just but also merciful and compassionate (Exod. 34:6). As Rabbinic Judaism later taught, "Walk in the ways of YHVH. As God clothes the naked so should you clothe the naked, as God visited the sick, so should you visit the sick, as God comforted mourners, so should you comfort mourners" (Talmud, Soiah 14a). The God of the Torah is a just and merciful God who commands those following God to be just and merciful as well. In the words of Heschel:

The moral imperative was not disclosed for the first time through Abraham or Sinai. The criminality of murder was known to men before.... What was new was the idea that justice is an obligation to God, His way not only His demand; that injustice is not something God scorns when done by others but that which is the very opposite of God; that the rights of humans are not legally protected interests of society but the sacred interests of God. God is not only the guardian of moral order, "the Judge of all the earth," but One who cannot act unjustly (Gen. 18:25)."

There is no capriciousness in God's handling of human beings as recounted in the Torah. Unlike the tales told in Mesopotamian and Babylonian texts, the Torah's stories of the flood are explicit in stating that the sin of that generation was a moral one. "YHVH saw how great was man's wickedness on earth, and how every plan devised by his mind was nothing but evil all the time" (Gen. 6:5). "The earth became corrupt before God; the earth was filled with lawlessness" (Gen. 6:11). In the Mesopotamian epic, on the other hand, the flood occurs because the god Enlil was disturbed by the noise made by human beings: "Oppressive has become the clamor of mankind, by their uproar they prevent sleep." The hero in the Mesopotamian story is saved only because he is the favorite of one god. There is no mention of his character. Noah, however, is saved because "Noah was a righteous man; he was blameless in his age" (Gen. 6:9). The generation of the Tower of Babel, however, was punished not for immorality but for hubris, a kind of rebellion against God, and they are not destroyed, only scattered. Such hubris is a lesser offense to God than lawlessness and violence. As we have seen, the cities of the plain are morally corrupt, as the story of the way they treat the strangers illustrates; indeed, "their sin is very grave" (Gen. 18:20). Even the sins of the Canaanites that will cause the land to spew them out (Lev. 18:25) are not ritual sins, but sins of sexual immorality (Lev. 18:1-24). It is not idolatry that causes them to be cast out but wickedness.

The Teachings of the Prophets

The primacy of morality and ethics was emphasized by the prophets and became their central message, but they did not invent it. They simply built on the concept that was inherent in the Torah's ideology, namely, that "God's covenant had a moral-legal, rather than a cultic purpose." The prophets make it very clear that God rejects cultic sites when people violate the laws of justice and love. Such an idea was unknown to pagan religions. Jeremiah's polemic, uttered at the Temple site itself, illustrates this boldly. It is an illusion, he tells the people at the gate of the Temple, to think that the presence of the Temple will save them from destruction. Rather, they must change their ways. They will be saved, he says, "if you execute justice between one man and another; if you do not oppress the stranger, the orphan, and the widow; if you do not shed the blood of the innocent in this place; if you do not follow other gods" (Jet. 7:5-6), They have made it a "den of thieves"; therefore, just as God destroyed the shrine at Shilo "because of the wickedness of My people Israel." so God will destroy the Temple in Jerusalem and send the Israelites into exile if they do not change (Jer. 7:11-15).

Jeremiah's cry for just living and his scorn for worship unaccompanied by morality were preceded by the words of Amos (eighth century BCE). Amos speaks of the sins of Israel that will not be forgiven and begins with: "Because they have sold for silver those whose cause was just, and the needy for a pair of sandals. Ah! You, who trample the heads of the poor into the dust of the ground, and make the humble walk a twisted course" (Amos 2:6-7). He castigates them for turning "justice into wormwood" (Amos 5:7) and urges them to "seek good and not evil.... Hate evil and love good, and establish justice in the gate" (Amos 5:14— 15). Amos goes to the extreme, saying, in the name of God, "I spurn your festivals, I am not appeased by your solemn assemblies. If you offer Me burnt offerings—or your meal offerings—I will not accept them.... But let justice well up like water, righteousness like an unfailing stream" (Amos 5:21-24). He goes so far as to question the very institution of sacrifices: "Did you offer sacrifice and oblation to Me those forty years in the wilderness, O House of Israel?" (Amos 5:25). Small wonder that Amaziah the priest wanted Kingjeroboam to exile the prophet as a danger to the kingdom (Amos 7:10-13).

In the end, Amos's interpretation of God's concerns and not Amaziah's prevailed. As Jewish scholar Shalom Speigel pointed out in his brilliant speech (given at the Jewish Theological Seminary in the presence of then U.S. Supreme Court Chief Justice Earl Warren):

Amos vs. *Amaziah* makes justice the supreme *command*, overriding every other consideration or obligation.... Justice becomes the categorical imperative, transcending all the other requirements of the law.... Worship in biblical religion could never be an end in itself, for God is not in need of ritual, as in magic religions of antiquity.... In Israel, worship is God's favor to man.... Worship is meant to inspirit man with passion for justice, to purify and prepare him for the encounter with God.... Worship and ritual are means, while justice and righteousness are ends.

No less indicative of the relative importance of morality as opposed to ritual is the prophecy in Isaiah 58, in which the prophet speaks to the people who have called a fast to overcome some calamity. Their fast, he proclaims, is of no value "because on your fast day you see to your business and oppress all your laborers" (v. 3). Fasting and putting on sackcloth and ashes are not a true fast (v. 5); rather, Isaiah stales, "This is the fast 1 desire: to unlock fetters of wickedness, and untie the cords of the yoke, to let the oppressed go free; to break off every yoke. It is to share your bread with the hungry, and to take the wretched poor into your home; when you see the naked, to clothe him, and not to ignore your own kin" (w. 6-7). How appropriate that these words were chosen by the Rabbis to be recited specifically on the most sacred fast day of the year, Yom Kippur.

These prophets of Israel make explicit what was already implicit in the teachings of the Torah. Lest there be any misunderstanding, they pointed out specifically that just behavior is God's true desire, not sacrifices or libations. "With what shall 1 approach YHVH, do homage to God on high? Shall I approach Him with burnt offerings, with calves a year old? Would the Lord be pleased with thousands of rams, with myriads of streams of oil? ... What does YHVH require of you? Only to do justice, to love mercy, and to walk humbly with your God," proclaims Micah (6:6-8). What courage it took on the part of Micah and other prophets to utter such words, yet all they were doing was expressing what the Torah taught

and taking it to its ultimate, extreme meaning. "The prophets word is a scream in the night," writes Heschel. "While the world is at ease and asleep, the prophet feels the blast from heaven."

Moral Emphasis in the Psalms

The pervasiveness of this outlook in Israel is seen by the fact that the book of Psalms, so closely connected to the Temple and its rites, contains calls for morality in terms that are no less fervent than those of the prophets, if less provocative in never explicitly questioning the value of ritual. A prime example is Psalm 24, in which those who want to enter the Temple are told that only those who have "clean hands and a pure heart" and have not "sworn deceitfully" are worthy to ascend the mountain of YHVH (Ps. 24:4). Similarly, Psalm 15:2-3 describes those worthy of dwelling on God's holy mountain: "He who lives without blame and does what is right and in his heart acknowledges the truth; whose tongue is not given to evil; who has never done harm to his fellow." Ritual commands are not even mentioned. "Shun evil and do good," cries the psalmist (Ps. 37:27)— words that could have been uttered by any prophet. "Judge the wretched and the orphan, vindicate the lowly and the poor, rescue the wretched and the needy; save them from the hand of the wicked," says God to the divine beings in Psalm 82:3.

The morality of the Torah is unique and, indeed, revolutionary in grounding itself, as Kaufmann writes, "in the absolute command of God, revealed and imposed on mankind by him.... Morality is not a private matter.... Society as a whole is under a covenant obligation to eradicate evil from its midst and cause justice to prevail.'

As for the Torah's laws of ethical living, they are exhortative in nature and not merely a dry legal compilation. "Do what is right and good in the sight of YHVH" (Deut. 6:18), exhorts Moses in a saying that was traditionally understood to mean that strict observance of the laws was insufficient. Rather, all actions should be judged on the basis of being right and good, not merely legal. "Love your fellow man" (Lev. 19:18) and "Love the stranger as yourself' (Lev. 19:34) in the Holiness Code hardly qualify as legally enforceable rules. The same may be said about Moses's call, "Justice, justice shall you pursue" (Deut. 16:20).

Ethical Emphasis in Later Judaism

In the Rabbinic period, the Sages of Israel agree that the very basis of all of the Torah is ethical behavior. The earliest to voice this clearly is Hillel, in his famous reply to the request that he teach a non-Jew the entire Torah while standing on one foot. Paraphrasing and interpreting Leviticus 19:18, "Love your fellow as yourself," in Aramaic, Hillel replies, "Thai which is hateful 10 yourself do not do 10 your fellow. All the rest is commentary. Now go and learn" (Talmud, Shabbat 31b). Some two hundred years later. Rabbi Akiba is asked to say which verse in the Torah is the one on which all else is based, the general rule of all of Judaism. His answer is that same verse, "Love your fellow as yourself." In one of the most famous passages of Rabbinic literature, Rabbi Simlai tries to show that the mitzvot are not mere legal formulas or unrelated fragments, but rather are all part of a unified scheme: "Six hundred and thirteen mitzvot were given to Moses, 365 negative, equaling the days of the year, and 248 positive, corresponding to the parts of the human body." The midrash continues, showing how in each generation these were reduced to smaller numbers of basic principles:

Micah came and comprised them in three: It has been told you, O man, what is good and what does YHVH require of you—only to do justice, love mercy, and walk humbly with your God (6:8).

Isaiah came and comprised them in two: Keep justice and do righteousness (56:1).

Amos came and comprised them in one: Seek Me and live! (5:4). (*Talmud*, Makkot 24a)

According to Rabbi Simlai, then, the system of mitzvot has as its goal creating a person who will constantly seek to live according to godly ways and to be always in God's presence.

Thus the infinite value of ethical living runs directly from Abraham to Moses and the commandments of the Torah, and thence to the psalms and to Amos and the other prophets. It is a central truth that has had an enormous impact on Judaism and has set a standard of moral living for all humanity. Once this was established, ritual was forever relegated to second place in the order of God's priorities, so that the essence of religion became not rite but right.

5: Human Life Is Sacred

Revolutionary Truth #5:

Humans are differentiated from all others in that they are created in the image of God. Therefore, human life is sacred; it is an absolute value.

And God said. "Let us make the human being in our image, after our likeness. They shall rule the fish of the sea, the birds of the sky, the cattle, the whole earth, and all the creeping things that creep on earth. And God created the human being in His image, in the image of God He created him, male and female He created them.

Genesis 1:26-27

What is man that You have been mindful of him, mortal man that You have taken note of him; yet You have made him little less than divine, and adorned him with glory and majesty.

Psalm 8:5-6

With these words, the psalmist has captured the revolutionary assertion of Moses's teaching, proclaiming the value of human beings and their inestimable worth. Because Judaism also teaches that compared to the expanse of the heavens and the eternity of the universe, the human being is "like a breath; his days are like a passing shadow" (Ps. 144:4), we might think that humans are hardly worth God's consideration or care. Not so. Humans are but "little less than divine" and are adorned "with glory and majesty."

This belief in the ultimate worth of human life is based on the depiction of their creation in the opening chapters of the book of Genesis. The Torah's concept of the place of human beings in the scheme of creation is stated there quite clearly. Human beings are the pinnacle of creation, differentiated from all else that exists. They and they alone are created in the image of God.

Such a concept is not to be taken for granted, neither in modern times, when the value of human life has been denigrated by one vicious regime after another, nor in ancient days, when the religious texts accepted by

the greatest civilizations painted quite a different picture of the value and purpose of human life.

Consider, for example, the description of the creation of man in the ancient Akkadian creation epic. The god Marduk says:

Behold I will establish a savage, "man" shall be his name.

Verily, savage-man I will create.

He shall be charged with the service of the gods

That they might be at ease.

In the same text, the creation of a human being is accomplished through the slaying of the monster Tiamat.

Out of his blood they fashioned mankind ...

And 'imposed upon it the service of the gods. [James B. Pritchard, ed., Ancient Near Eastern Texts Relating to the Old Testament (Princeton, NJ: Princeton University Press, 1955), 68. See also E. A. Speiser, Genesis, Anchor Bible Series (Garden City, NY: Doubleday, 1964), 9-11, for a detailed comparison of these ancient texts to Genesis.]

Similarly, an old Babylonian text reads:

Thou art the mother-womb.

The one who creates mankind.

Create, then, Lullu [the savage] and let him bear the yoke!

The yoke he shall bear...

The burden of creation man shall bear!

Of Lullu it is then written:

He who shall serve all the gods. Let him be formed out of clay, be animated with blood! [Pritchard, Ancient Near Eastern Texts, 99.]

Three times the purpose of the creation of humans is stated: to serve the gods. Since the ancestors of those who created the Torah were natives of Mesopotamia, the center of these ancient civilizations, it stands to reason

that the early Hebrews were familiar with these texts or similar ones, at least orally. They would have heard them recited at ritual occasions. Yet although there are echoes of these texts in the Torah, on this subject the Torah deliberately departed from them in radical ways. Not only is the method by which humans were created different, but also the very purpose of their creation and their nature. There is no hint in the Torah that God created Adam and Eve so that they might be God's slaves or servants. Rather, the task they are given is to rule the world (Gen. 1:28).

On the contrary, the Torah considers human beings to be God's supreme creation, formed in "the image of God" (Gen. 1:27) and therefore distinguished from all other forms of life. This is a value judgment, a self-evident truth, not to be confused with scientific fact. Science may indeed be able to prove that humans are related to certain species of mammals, yet because the Torah is not a scientific work but a religious tract, teaching values rather than scientific facts, this in no way negates the importance of the Torah's teaching.

The Creation of Human Beings

To return to Genesis, modern biblical studies posit that in many instances the Torah contains more than one version of the same story. That is the case of the tale of the creation of humans. There are two different versions stemming from two different ancient schools of religious thought within the religion of Israel. They can be differentiated in many ways, as noted earlier, including the fact that the first uses only the word Elohim to refer to God, while the second adds the name *YHVH*, commonly translated as "Lord." Yet the positive attitude toward human beings is expressed in both of these myths of creation, albeit in different ways. The basic value concept underlying them both remains the same: humans are the crown of God's creation of living creatures, endowed with immeasurable worth. They alone are worthy of and capable of interaction with the Divine.

Let us examine these two accounts. Genesis 1-2:3, stemming from the source known in scholarly circles as P, the Priestly school, [Speiser, Genesis. 8.]

is spare in detail, austere in vocabulary, yet filled with grandeur in the scope of its canvas. It describes creation in terms of divine fiat. The creation takes place in six stages, each of which is termed a "day." The process moves from the inanimate to the animate, with the last step being the creation of human beings. Everything leads up to this moment. The human is thus the very peak of creation, the one who is given the task of ruling over and caring for everything that has been created on earth (Gen. 1:26, 1:29-30).

Exactly how humans were actually created is never described in source R Instead, we are simply told that after deciding to create humans, God did so (Gen. 1:27). The uniqueness of that creation is indicated with great subtlety in that only in the case of creating humans is the formula

"And God said" missing. Rather, the creation is described thus: And God created the human being [ha-adam] in His image, in the image of God created He him; male and female He created them. (Gen. 1:27) This phrase, "the image of God," was mentioned in the previous verse (1:26) as well. God says, "Let us make a human [adam] in our image, after our likeness," using the plural "us," either—as Rabbinic interpretation had it—speaking to the angels or as the plural of majesty. [Or, as Umberto Cassuto suggested, it is the "language of encouragement," prodding oneself to action. See his Perush af Sejer Bereshit: Me-Adam ad Noach [A Commentary on the Book of Genesis: From Adam to Noah] (Jerusalem: Magnes Press, 1953), 34.]

Indeed, whenever the creation of human beings is mentioned, P makes certain to remind us that they were made in the image or the likeness of God! A similar phrase, "the likeness of God," is used again in Genesis 5:1, "When God created Adam, He made him in the likeness of God." The phrase "the image of God" is also found in Genesis 9:6 in God's poetic charge to Noah and his family forbidding murder:

"Whoever sheds the blood of the human being [ha-adam], by the human being shall his blood be shed, for in His image did God make the human being."

As the outstanding biblical scholar Moshe Greenberg demonstrates, whatever the specific meaning of "the image of God" may be, it had consequences in the laws of the Torah.

[Moshe Greenberg, Studies in the Bible and Jewish Thought (Philadelphia: Jewish Publication Society, 1995), 31-34.]

The most important of these has to do with murder. Paradoxically, because humans are made in God's image, there is no way in which human life can be compensated for through money or any other means.

Compensation of any kind is ruled out. The guilt of the murderer is infinite because the murdered life is invaluable; the kin of the slain person are not competent to say when that person has been paid for. An absolute wrong has been committed, a sin against God that is not subject to human discussion. The effect of this view is, to be sure, paradoxical: because human life is invaluable, to take it entails the

death penalty. Yet the paradox must not blind us to the judgment of value that the law sought to embody. [Ibid., 32.]

This is exactly the opposite of the laws in other ancient literature, where monetary compensation for human life was the norm. [Ibid.]

As the Rabbis later explain, the shedding of human blood or the taking of human life is equivalent to reducing the image of God in the world. They give this parable:

A king of flesh and blood entered a city and people erected icons and images of him and struck coins [in his image]. Later they upset his icons, broke his images and defaced his coins, thus reducing the images of the king. [Mekhilta, Bachodesh 8, ed. Jacob Lauterbach (Philadelphia: Jewish Publication Society, 1949), 2:262.]

The meaning of the phrase "the image of God" has been the subject of much interpretation over the centuries. It is difficult to know exactly how literal the Sages were in their understanding of that phrase. Hillel the Elder seems to have taken it to mean that the human body is actually the physical image of God's being. Thus, he once said that when going to wash himself he was actually performing a commandment, just as an idol worshipper would if he were going to clean the statue of a god he worshipped! [Leviticus Rabbah 34:3.]

At the opposite end would be the teachings of the medieval philosopher Maimonides that God has no physical form, the third of his thirteen principles of faith. [Maimonides's Commentary on the Mishnah, Sanhedrin 10. These have been popularized in the hymn "Yigdal." Maimonides's ideas, including the denial of any physical form to God, were the subject of great debate.]

As the biblical scholar Umberto Cassuto remarks, when we use this phrase today, speaking of humans being created in God's image, we do not have a physical likeness in mind. Rather, we think that although humans are similar to animals in having a physical being, we are closer to the Divine in our thinking and in our moral consciousness. Thus,

although in ancient times the phrase may have originated as likening humans physically to the gods, the only question is: when did its meaning change—before or after it was used in the biblical text? On the basis of the abstract usage of language in Genesis 1 in all its descriptions of God and of the creation. Cassuto believes that the change came earlier. [Cassuto, Perush, 34-35.]

A more recent scholar, Nahum Sarna, points out that the phrase "the image of God" is immediately followed by the command to rule over the rest of creation (Gen. 1:28). Therefore, being in the image must include "all those faculties and gifts of character that distinguish man from the beast and that are needed for the fulfillment of his task on earth, namely intellect, free will, self-awareness, consciousness of the existence of others, conscience, responsibility and self-control." [Nahum M. Santa, Understanding Genesis (New York: Jewish Theological Seminary of America, 1966), 15-16.]

The Torah itself is silent on the exact meaning of the phrase. [Elsewhere the word "image," tzekm, is found in reference to idols and images of false gods. Hillel's story is comparing the human being to these images.]

Nevertheless, it seems clear that its importance lies in its indication that the human being—and only the human being—shares a likeness with the Divine. This could be physical, moral, or intellectual. The practical consequence, as we have seen, is that human life is of inestimable value. It cannot be measured in any way. P, the first biblical account, then, gives no details of the creation of humans but indicates the supreme value of human life by making humans the last of the creation. Their position at the end of the progression indicates their special status in being created in God's image and gives them the authority to rule over the world and all the creatures in it. That is the purpose and the meaning of human's creation.

The story told in Genesis 2:4-4:26 is quite different, although the importance and value of human life is no less. This section is ascribed by biblical scholars to a source known as J because throughout it uses the personal name of God—YHVH. J standing for the letter *yod* (Y). [Speiser, Genesis, 15.]

Unlike P in Genesis 1, J gives no account of the creation of the universe, but concentrates rather on the earth itself, ignoring the heavens. Whereas Genesis 1 begins with "When God began to create heaven and earth" (1:1) and repeats that order at the conclusion—"The heaven and the earth were finished" (2:1)—J's account begins with "When YHVH God made earth and heaven" (2:4), placing earth before heaven. Its main concern is the story of humankind, their creation, their nature, and their fate. [Ibid., 18-19.] Incidentally, this allowed the redactor of the Torah to place the two accounts together easily, as if the first one were a general description of the creation of the entire universe, while the second goes back and gives the details of the creation and history of humanity.

J emphasizes that *adam*—the human being—was the most important creation of God. At the beginning there was "no shrub of the field" and no "grasses of the field" for two reasons. First, God had not yet sent any rain; second, "there was no human to till the soil" (Gen. 2:5). Therefore, God "formed the human from the dust of the earth" (2:7).

[The creation of the human serves to explain the name adam as coming from the word adamah, "earth." This also follows ancient Near Eastern texts in which the human creature is created from clay. See Pritchard, Ancient Near Eastern Texts, 99, and Sama, Understanding Genesis, 15.]

The earth could not be sustained; nothing on it could grow without adam. Thus it is that immediately after creating the human, God plants "a garden in Eden, in the east, and placed there the human He had formed" (2:8), causing all the trees to grow there (2:9). The human is put in the garden "to till it and tend it" (2:15); just as in P's telling, humans were given the role of ruling over the earth "and mastering it" (1:28). In neither case are humans created to care for and help the gods or to be their slaves.

Although this version of creation does not mention the concept of "the image of God," J does add that God "blew into his nostrils the breath of life, and man became a living being" (2:7), something that is not stated when the animals are created. This breath, coming from God, is a reflection of the Divine. Many centuries later, the teacher known as

Kohelet refers to this when, describing death, he writes, "And the dust returns to the ground as it was, and the life breath returns to God who gave it" (Eccles. 12:7).

All of this emphasizes the uniqueness of the human being in the eyes of the Torah. According to J, the human is the very purpose of creation, created before any other living creature. Without the human, there would be no vegetation on earth. Without the human, there would be no other animate life.

These teachings—perhaps even more than those of Genesis 1— stand in stark contrast to everything that science teaches us about the origins of life and of the universe and to the depiction of humans in the religious literature of the ancient Near East. They are an expression of the Torah's deeply held view of the sacredness and the value of human beings and human life and led to an idea of the value of human life without which civilization as we know it would be impossible. As such, it is a religious credo, a sacred value that stands alone, dependent on belief and not on scientific validity.

Human Imperfection

J's account, however, is also concerned with the nature of human beings. Humans may be unique and even "little less than divine," but they also are imperfect and inclined to transgress. The story of Adam and Eve in the Garden of Eden reflects that truth as well. It is intended to teach that humans are subject to urges and desires that lead them to disobedience. However, this urge, which the Sages later termed "the evil inclination" (yetzer ha-ra), could be overcome by free will.

In J's account, the first human is commanded not to eat of the tree of knowledge of good and evil, "for as soon as you eat of it, you shall be doomed to die" (Gen. 2:17). The symbolism is clear. Adam and Eve represent the childhood of humankind, the time when, lacking knowledge and experience, we are unaware of all the possibilities of good and evil in the world. Once we attain that knowledge, we are also mortal. Adam and Eve are responsible for their actions even before attaining that knowledge, and therefore they are punished. The story thus accounts for the presence of suffering and evil in the world by placing it on the head of human beings and the fact that they have free will.

In Akkadian accounts of the attainment of knowledge, the man, Enkidu, gains it through sexual adventures, after which he is told, "You are wise Enkidu, you are like a god."

[Speiser, Genesis, 27; Pritchard, Ancient Near Eastern Texts, 75.]

Although many have interpreted Genesis as connecting sex with Adam and Eve's disobedience, the text conspicuously does not state that. At the very moment of Eve's creation, sexual activity is alluded to in a positive way: "Hence a man leaves his father and mother and clings to his wife, so that they become one flesh" (Gen. 2:24). The specific mention of sexual activity, however, is found only in Genesis 4:1, after Adam and Eve have been banished from the garden.

All human beings share imperfection. God voices disappointment in the human race in two of the saddest verses of the Torah: "And YHVH saw how great was the wickedness of the human being on the earth, and that the inclination of all the thoughts of his heart was nothing but evil all the time. And YHVH regretted that He had made the human being on the earth, and His heart was saddened" (Gen. 6:5-6). After the flood, that verse is echoed, but with a difference: "Never again will I doom the earth because of the human being, since the inclination of the heart of the human being is evil from his youth; nor will I ever again destroy all living beings as I have done" (Gen. 8:21). The Torah, speaking of God in anthropomorphic terms, expresses a change of heart, the realization that the power of the inclination of evil within human beings led to the flood and destruction. Now that same realization leads to a pledge never to destroy the world again! Noah was saved not because of any fundamental difference between him and others but because of his righteous conduct. The lesson God learns, as it were, is not to expect perfection from human beings. They will err; they will do wrong. They need rules and regulation, discipline, to overcome the same fundamental flaw in all of them.

[On the evil urge and human freedom, see chapter 8.]

Human beings, unique and created in the image of God, are not divine and are not perfect. The urge—the inclination that is part of our makeup—can lead us astray if we let it. Yet we have the power to overcome it. Are humans innately sinful? No, but they are capable of sin. Are they doomed to sin? No. They have the freedom of will to conquer that inclination so that their full godlike potential may be realized.

In this matter Judaism's daughter religion, Christianity, differed, developing a doctrine of original sin in which the sin of Adam and Eve, known as the Fall, was passed on to all human beings through all generations. Human sinfulness has nothing to do with the actions of individuals and requires "salvation" that can only be attained through the sacraments of Christianity. [Romans 5:19.] Although there may have been some teachings in late classical Judaism that emphasized Adam and Eve's sin, nothing further developed in that direction, and it certainly never became a dogma of Judaism. The biblical story that was the basis for the Christian doctrine was interpreted very differently by Rabbinic Judaism.

[See Abba Hillel Silver, Where Judaism Differed (New York: Macmillan, 1963), chap. 10.]

Rabbi Leo Baeck, leader of German Jewry at the time of the Shoah, writes that the idea of original sin originated not in Judaism at all, but in the Orphic mysteries and that "Paul found a place for it in the biblical narrative and clothed it in biblical language."

[Leo Baeck, Judaism and Christianity (Philadelphia: Jewish Publication Society, 1958), 244.]

It is hardly accidental that one of the few mentions of Adam and Eve in Jewish liturgy, for example, is in the blessing recited at weddings, which does not concern sin at all but rejoices at marriage, It asks God to "grant perfect joy to these loving companions, as You did for the first man and woman in the Garden of Eden." Perhaps this was Judaism's way of asserting that sexual relations had no connection to sin and reminding everyone that the command to "be fruitful and multiply" was God's blessing to human beings (Gen. 1:28); becoming one flesh was the purpose of the creation of man and woman (Gen. 2:24).

Returning to the Torah and Moses's doctrine of the value of human beings, recall that the story of Adam and Eve's disobedience is not mentioned or referred to again in the Torah. The creation of human beings is mentioned only positively, as a reminder that humans were created in the image of God and that therefore human life is sacred and human blood must not be shed (Gen. 9:6). "But for your own life-blood I will require a reckoning: I will require it of every beast; of the human being, too, will I require a reckoning for human life, of every human being for that of his fellow human being" (Gen. 9:5).

This extraordinary concept has not yet been incorporated into the conscience of the world. The twentieth century, which was to be the century of progress and technologically saw more advances than all the previous centuries combined, was also the bloodiest century of all time. The value of human life reached its nadir when millions died at the whim of Stalin, a Soviet tyrant, and Germany, aided and abetted by people from many other nations, treated human beings as if they were vermin, using technology to exterminate millions. Twenty-first-century terrorism has not shown an improvement in the regard for human life. The Torah's teaching was never better expressed than in the Mishnah's elaboration on the fact that in Genesis 2:7 only one human being was created: "Whoever

destroys one human life is considered to have destroyed the entire world, and one who saves one human life is considered to have saved the entire world" (Mishnah Sanhedrin 4:5).



6: All Human Beings Are Equal

Revolutionary Truth #6:

All human beings have the same common ancestors; they are descendants of one human father and mother. Therefore, all are equal. No race or nation is superior to any other.

YHVH God formed the human being from the dust of the earth. He blew into his nostrils the breath of life, and the human being became a living being.

Genesis 2:7

This is the record of the begettings of humankind [Adam], At the time of God's creating humankind, in the likeness of God did He make it, male and female He created them and gave blessing to them and called their name: Humankind! on the day of their being created.

Genesis 5:1-2

[Based on the translation of Everett Fox in The Five Books of Moses (New York: Schocken Books, 1995).]

The Unity of Humanity

Only one human being was created in the world ... in order to create harmony among humans so that one cannot say to another, "My father is greater than your father,",.. and to proclaim the greatness of the Holy One who created each person in the image of the first human and yet no one is exactly like another. Therefore each person can say, "For my sake was the world created."

(Mishnah Sanhedrin 4:4)

In this Rabbinic teaching, found in the Mishnah (ca. 200 CE) and based on the Torah's account of the creation of *ha-adam*, the human being,

[The Hebrew word adam is both the name of the first man and a word that means "a man" or "a person."]

the Sages clearly articulate the revolutionary truth that all humans are descendants of the same common ancestor and are therefore equal. With this bold statement, they give the lie to all concepts of superior and inferior races, the doctrine that has led to so much hatred and enmity and that created the basis for the Holocaust and other instances of human barbarity toward so-called inferior creatures.

[Moshe Greenberg. Studies in the Bible and Jewish Thought (Philadelphia: Jewish Publication Society, 1995), 373.]

The Sages correctly understood that the Torah clearly posits that all of us are "the children of *adam*," one human being who fathered one human family. As the psalmist writes, "The heavens belong to YHVH, but the earth He gave to the children of *adam*" (Ps. 115:16). This is articulated by the renowned biblical scholar Moshe Greenberg, who coined the phrase "Adamites" to refer to human beings, called in Hebrew B'nei Adam. "Hebrew history" he writes, "begins not with the patriarch Abraham, but with the father of the human race, Adam. Its proper subject is man as the self-conscious creature and subject of God: Israel arrives on the scene late, after several fruitless experiments with previous generations of

man." [Ibid., 371.]

We have already seen in the previous chapter how the Torah expresses God's concern for all human beings. Before the creation of the people of Israel, the concern for all of humankind is expressed in the command to Noah and his sons that "whoever sheds the blood of a human being, by a human being shall his blood be shed; for in His image did God make the human being" (Gen. 9:6). All of humanity is included in this command. The emergence of Abraham and his progeny did not change the Torah's conception of humanity as one family. Israel may have eventually come into being and become God's own people, God's "firstborn son" (Exod. 4:22), but this in no way contradicts or eliminates the idea that all humans are equal and of concern to their Creator. On the contrary, the concept of the firstborn son implies that all of the others are also sons of God. As Rabbinics scholar Jacob Z. Lauterbach put it, the responsibility of the elder brother is to be an example and a helper for the younger brothers. Thus, even the idea of chosenness implies the relationship of a teacher to a pupil, rather than a belief in inherent superiority. [See Jacob Lauterbach, "The Attitude of the Jew toward the Non-Jew," in Central Conference of American Rabbis Yearbook 31, ed. Isaac E. Maruson (Cincinnati: Central Conference of American Rabbis, 1921), 193.]

Of course, the equality of all human beings is not a "truth' in any scientific sense. According to evolution, the origin of human beings is much more complicated than that. Although evolution posits not only that all humans are related but also that we are related to all living creatures, no one knows exactly how many "fathers" we may have had and how we came to be the creatures that we are. However, as I have remarked before, the Torah is a book not of science but of moral truth. The unity and equality of all human beings is based not on science but on an ethical insight that may be seen as divine revelation. It is a fundamental belief, a basic concept, not a scientific fact. It is a belief that was instinctively understood by the founding fathers of America, who began the Declaration of Independence with the words: "We hold these truths to be self-evident, that all men are created equal." These words were considered so important that they were incorporated into the constitutions of many of the individual states as well. They express the basic belief of the founding fathers, who thus declared war against the prevailing belief in England and the Old World that society was divided

into classes, some of which were more equal than others. Almost a hundred years after the Declaration of Independence, Abraham Lincoln famously quoted this phrase in his Gettysburg Address: "Fourscore and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal." Yet the founding fathers did not follow this truth to its logical conclusion. They never recognized that women had equal rights or that nonwhites were equal and therefore must not be enslaved, even though these concepts were implicit in that statement.

There is something absurd about saying that "all men are created equal" when it is blatantly false. As the midrash quoted above (Mishnah Sanhedrin 4:4) so accurately puts it, "no one is exactly like another." We do not look exactly like one another, each person has a unique set of fingerprints, and we are not equal in our abilities. Some are strong, some weak, some brilliant, others less so, some talented in one thing, some in another. Yet there is a profound truth in saying that we are all created equal if we understand the statement as the midrash understood the Torah—that even though we are not exactly alike, each of us is created in the image of the first human, who was in turn created in the image of God, and therefore we are all siblings and cannot say, "My father is greater than your father." Similarly, Rabbi Meir teaches that the first human being was created from dust "gathered from all parts of the earth" (Talmud, Sanhedrin 38a), another way of saying that all human beings are equal and that no group from any part of the earth can claim superiority to any other group. [See Louis Ginzberg, The Legends of the Jews (Philadelphia: Jewish Publication Society, 1909), 1:54-55, and (1925), 5:15-16.]

This leads inevitably to the conclusion that all humans have equal rights to such things as life, liberty, and the pursuit of happiness, equal rights to justice and freedom. If the law codes, whether Jewish, American, or other, do not achieve this, then they are still imperfect and need to be improved.

Righteous Gentiles in the Book of Jonah

The Torah's teaching of the equality of human beings comes to full expression in the book of Jonah. In this magnificent text, God sends the Hebrew prophet on the task of warning the people of Nineveh-if anything, enemies of the Israelites—that they are to be judged by God, "for their wickedness has come before Me" (Jonah 1:2). The purpose of this mission is not merely to inform them of approaching doom, but to give them an opportunity to avoid destruction by changing their ways. Jonah understands that all too well and therefore attempts to avoid this task. As he says after the Ninevites have indeed repented and been spared, "That is why I fled beforehand to Tarshish. For I know that You are a compassionate and gracious God, slow to anger, abounding in kindness, renouncing punishment" (4:2). How does Jonah know that about God? Because that is exactly how God is revealed and described to Moses in Exodus 34:6-7. Although there the context is God's quality of mercy and forgiveness as applied to Israel, it is clear to Jonah that God's mercy extends to all God's creatures, even the people of Nineveh. As YHVH says to Jonah in the final speech of the book, "Should I not care about Nineveh, that great city, in which there are more than a hundred and twenty thousand persons who do not yet know their right hand from their left, and many beasts as well?" (Jonah 4:11).

This message of human equality is all-pervasive in the book of Jonah. The king of Nineveh, a pagan, proclaims a fast and calls on the people to abandon their evil ways (3:8). The non-Hebrew sailors are depicted as extremely concerned not to injure Jonah and are termed "God-fearing" (1:16), the same expression used to describe the righteous midwives who saved the Hebrew infants in Egypt (Exod. 1:21).

[Whether they are Israelites is a matter of dispute among biblical scholars, both ancient and modern.]

Although the book of Jonah goes much further in making this point clear and in positing repentance as a possibility, the same idea of the equality of all humans in the sight of God is also found in the much earlier story of Sodom and Gomorrah. Even though Abraham has family there, when he pleads with God to save the cities if there are a sufficient number of righteous people therein, he does not ask for his kin alone lo be delivered but for all to be saved from destruction—the blameless and the guilty alike. The righteous that he speaks of are not his family, but any human beings in the city who are innocent (Gen. 18:23-32).

There are times when the Torah singles out a group as being unworthy or even cursed. It is never because of an inherent flaw making them inferior, but because of bad conduct. Following the flood, for example, Noah curses Canaan, the son of Ham, because "Ham, the father of Canaan, saw his father's nakedness and told his two brothers outside" (Gen. 9:22). Therefore he says, "Cursed be Canaan: the lowest of slaves shall he be to his brothers" (Gen. 9:25) and twice he says, "Let Canaan be a slave to them" (Gen. 9:26-27). [See Nahum M. Sarna, The JPS Torah Commentary: Genesis (Philadelphia: Jewish Publication Society, 1989), 66.]

Note that it is not God who curses Canaan and makes the Canaanites slaves, but Noah. From a historical point of view, the text may also be justifying the generally negative attitude of the Torah toward the Canaanites, who are accused of immoral conduct, defending the loss of their land by pointing to the immoral conduct of their ancestor (Deut. 12:29-31). Just as in the Torah the conduct of the progenitor of a tribe of Israel is taken as representing the future history of the tribe, so too the conduct of an ancestor is symbolic of their future way of acting. Nevertheless, even here, it is their immoral conduct that earns them punishment and not any inferiority within them.

Similarly, when Deuteronomy will not permit Moabites or Ammonites to "be admitted into the congregation of YHVH," it is not because of their race but because of their conduct toward Israel (Deut. 23:4-7). Perhaps the story of Ruth, who was from Moab, was a quiet protest against that view. Even the Amalekites, against whom Moses proclaimed, "YHVH will be at war with Amalek throughout the ages!" (Exod. 17:16), are blamed in this way because of their actions, not because of any inner flaw making them less than human. The demonization of human beings goes against the grain of the ideals of the Torah.

The concept of the equality of all human beings is embedded in all parts of the Hebrew Bible. In the section known as Writings, the repository of wisdom literature, for example, we find Job, who is not a

Hebrew, depicted as a man "blameless and upright; he feared God and shunned evil" (Job 1:1)—the finest descriptions of a truly righteous and religious man. This is similar to the Torah's description of another non-Hebrew, Noah, "a righteous man, blameless in his age" (Gen. 6:9). When Job protests his innocence and his goodness, he states that he treats his male and female slaves in such a way that they never have a complaint against him. "Did not He who made me in my mother's belly make him? Did not One form us both in the womb?" (Job 31:15). There is no belter expression of our common humanity than that.

The Torah's concern with humanity as a whole is also frequently echoed in the book of Psalms. As cited above in chapter 5, Psalm 8, basing itself on Genesis's account of creation (Gen. 1:26-30), speaks of all humanity as God's creation and concern: "What is man that You have been mindful of him, mortal man that You have taken note of him, that You have made him little less than divine, and adorned him with glory and majesty; You have made him master over Your handiwork, laying the world at his feet" (vv 5-7). Psalm 104 similarly speaks of God's graciousness to all humans: "You make the grass grow for the cattle, and herbage for the labor of a human being that he may get bread out of the earth, wine that cheers human hearts, oil that makes the face shine, and bread that sustains the life of human beings" (vv. 14—15).

The book of Psalms is also filled with references to all of the nations who are depicted as worshippers of the true God. "From east to west the name of YHVH is praised" (Ps. 113:3), a strange assertion considering the fact that all of the nations were considered to be worshippers of mere fetishes! "Their idols are silver and gold, the work of men's hands" (Ps. 115:4). Yet they are called on to praise God: "Praise YHVH all you nations, extol Him, all you peoples" (Ps. 117:1). "Let all the ends of the earth pay heed and turn to YHVH, and the peoples of all nations prostrate themselves before You, for sovereignty is YHVH's and He rules the nations" (Ps. 22:28-29). The postexilic prophet Malachi goes so far as to say that YHVH is worshipped throughout the world—this at a time when the only monotheistic religion in existence was that of Israel. "From where the sun rises to where it sets. My name is honored among the nations, and everywhere incense and pure oblation are offered to My name; for My name is honored among the nations—said YHVH of Hosts" (Mal. 1:11). The potential for realizing the truth concerning God may be

found among all nations because all are equally God's children and God's creation.

The prophet Amos is clear about this idea when he teaches, "To Me, O Israelites, you are just like the Ethiopians—declares YHVH. True, I brought Israel up from the land of Egypt, but also the Philistines from Caphtor and the Arameans from Kir" (Amos 9:7). Not only is God the universal God—given that Judaism posits there is only one God, it can hardly be any other way—but even if God has a special covenantal relationship with Israel, all human beings are objects of God's concern and are not set apart as if they were different in substance and essence from the people Israel. Even When that same prophet refers to the covenantal relationship—"Concerning the whole family that I brought up from the land of Egypt: You alone have I singled out of all the families of the earth—that is why I will call you to account for all your iniquities" (Amos 3:1-2)—he speaks of Israel as a part of one humanity, "the families of the earth."

In the same vein as Amos speaks of the past, Isaiah prophesies about the future: "In that day, Israel shall be a third partner with Egypt and Assyria as a blessing on earth; for YHVH of Hosts will bless them, saying, 'Blessed be My people Egypt, My handiwork Assyria and My very own Israel'" (Isa. 19:24-25). The prophets envision the day when all will worship YHVH: "To Me every knee shall bow, every tongue swear allegiance" (Isa. 45:23). The Torah begins with the creation of the one human being from whom all humanity springs. The prophets conclude with a messianic vision in which all humanity is united in the worship of the one Creator. [Greenberg, Studies, 388-90.]

This concept is articulated in the ancient *Aleinu* prayer that concludes every Jewish worship service. Written in the Hellenistic period before monotheism had spread outside of Judaism, *Aleinu* begins by asserting that Israel is differentiated from all the nations in one way only— that Israel recognizes and worships the true God, while the others worship "nothingness and vanity." It concludes with the hope that this differentiation will disappear because all nations will abandon false worship and "all mortals will call upon Your name." Then YHVH will truly be one.

The Rights of "Strangers"

The influence of the ideal of the equality of all humans can be felt in the laws of the Torah found in the last four books. Exodus through Deuteronomy, even though the laws therein are intended for the people of Israel alone. They envision Israel living in its own land—the Land of Israel, formerly Canaan, that had been promised to Abraham, Isaac, and Jacob—and form the constitution of the new stale of the Israelites. Nevertheless, the Torah makes provision for non-Israelites who will be dwelling there, grants them many rights, and cautions the Israelites concerning their treatment. These people are known as gerim, "strangers," or literally "dwellers." It is a term that Abraham had used to describe himself in relation to those who lived in the land to which he had come. "I am a *ger* and a resident among you," he said and then asked for permission to buy land (Gen. 23:4). Although there is no explicit ruling in the Torah prohibiting the resident stranger from owning land, most scholars assume that this was the case. The exilic prophet Ezekiel states that when the people of Israel return to the land and divide it among the tribes, 'You shall allot it as a heritage for yourselves and for the strangers who reside among you, who have begotten children among you. You shall treat them as Israelite citizens; they shall receive allotments along with you among the tribes of Israel" (Ezek, 47:22). Certainly, this was an innovation; in the original division of the land among the tribes, there is no such provision for a "stranger," but this innovation is very much in the spirit of the Torah's revolutionary concept of human equality. [See chapter 13 for a full discussion of the treatment of the stranger.]

Similarly, there is no specific prohibition in the Torah against selling land to a non-Israelite; such prohibitions were enacted in Jewish law against idolaters at a later period, when Jewish independence was no more and Jews did not control the land. Within Jewish law, there were different opinions as to who was prohibited from owning land and, in general, who was referred to whenever the laws spoke of "idolaters." Although some sages took it as referring to all non-Jews, others restricted it literally to those who worshipped idols. The most liberal position on this question was taken by a thirteenth-century rabbi from Provence, Menachem Hameiri, who held that any such prohibitions applied only to

the seven Canaanite nations who no longer existed and certainly not to people who were "guided by religious norms," which included both Christians and Muslims. [Beit HaBedtirah, Avodah Zarah 20.]

Although there may be harsh statements against non-Jews found in the vast works of Jewish tradition, these reflect the agony and suffering of Jews under their oppressors at various times in Jewish history and as such are understandable. Such harsh words, however, "did not thereby become Jewish religious teachings and are not to be considered as an authoritative statement of Judaism." [Lauterbach, "Attitude," 185.]

Rabbi Haim Hirschensohn, an early twentieth-century Orthodox Zionist thinker, taught that the Torah is democratic in viewing all citizens as equal before the law, including the Jew and the stranger—the non-Jew—in their midst. As paraphrased by the philosopher Eliezer Shweid, "In principle, Hirschensohn insists, the Torah advocates complete social, political and moral equality between Jews and Gentiles, in the sense that any demand based on human morality applies equally to all.... The differences in religious and ritual considerations do not in the slightest impinge on the full equality between Jew and Gentile in the eyes of the Torah." [Eliezer Schweid, Democracy and Halakhah (Lanham, MD: University Press of America, 2002), 66.]

As Lauterbach puts it, "For we are mindful of the fundamental principles of our religion, that we all have one Father in heaven and that every human being is made in the image of the Father and that we sin against God if we harm any man." [Lauterbach, 'Attitude," 222.]

Common Ancestry in Rabbinic Judaism and Beyond Rabbinic Judaism went far in developing and emphasizing this concept. A late midrash expresses the idea that all are equal in the sight of God: "I call heaven and earth to witness, that whether one be Gentile or Jew, man or woman, slave or handmaid, the Holy Spirit will rest upon them according to their deeds!" [Tama d'vei Eliyahu 9.]

As we have already pointed out, the Sages used the Torah's creation story to indicate that we all have one common ancestry. The early sage Hillel taught that we should be like Aaron, "loving all those created [by God] and bringing them closer to the Torah" (*Pirkei Avot* 1:12). Hillel does not say "loving Israelites" but "loving all those created," which specifically includes non-Jews. Rabbi Akiba well understood the meaning of this and

taught, "Beloved is the human being, for he was created in the image of God. The human being is exceedingly beloved in that it was made known to him that he was created in the image of God" (*Pirkei Avot* 3:18). Hillel's contemporary, Shammai, taught that one was to greet "every human being with a cheerful face" (Pirkei Avot 1:15).

in an interesting discussion between Akiba and Ben Azzai on the question of which verse of the Torah is the basic verse on which everything else depends, Akiba suggests, "Love your neighbor as yourself" (Lev. 19:18). Ben Azzai objects, contending that "this is the record of the begettings of humankind. At the time of God's creating humankind, in the likeness of God did He make it" (Gen. 5:1) was an even greater verse. [Sifra, Kedoshim 4.]

Although Ben Azzai does not explain himself, we may assume that he felt that "your neighbor" could be understood to mean your fellow Israelite alone, whereas Genesis 5:1 speaks of all humanity as being in God's likeness and would therefore apply the Torah's ethical principles and concern to them all. The eighteenth-century mystic Pinhas Eliah Hurwitz reinterprets the verse from Leviticus that Akiba chose to apply to all human beings:

The essence of neighborly love consists in loving all mankind, all who walk on two legs, of whatever people and whatever tongue, by virtue of their identical humanity.... The meaning of the verse "You shall love your neighbor as yourself" is not confined to Jews only, but the sense is "your neighbor who is a human being as yourself"—people of all nations are included, any fellow humans. [Sefer HaBerit, cited by Greenberg, Studies, 387.]

Perhaps that was the way that Akiba had understood it. Walt Whitman, the nineteenth-century poet of America and American ideals, expresses much the same idea in the opening verses of his *Leaves of Grass*:

I celebrate myself,
And what I assume you shall assume;
For every atom belonging to me, as good belongs to you....
In all people I see myself—none more, and not one a barley corn less.
And the good or bad I say of myself, I say of them.

At the conclusion of the Second World War, Henry Alonzo Myers of Cornell University wrote a book titled *Are Men Equal?* He viewed that war as the ultimate struggle between Jefferson's ideal of the equality of men and Hitler's ideal of the inequality of men. Myers acknowledges that this doctrine was much older than Jefferson, having been stated in the Torah thousands of years earlier: "From beginning to end the Bible teaches the fatherhood of God and the brotherhood of man. The story of the creation of Adam and Eve, the parents of all men, is the first lesson." [Henry Alonzo Myers, Are Men Equal? An Inquiry into the Meaning of American Democracy (Ithaca, NY: Cornell University Press, 1945), 35.] Because of the importance of that struggle, Myers attempts to strengthen the grounds for the belief in human equality:

The lessons of history are clear enough. The doctrine of superiority has always been, even in its noblest forms, a means of dividing men, of setting one class or one people over others and against others. The proposition of equality, on the other hand, by its very nature implies the unity of men. Already a giant force in world politics, it will in lime prevail over armed force—if men believe it to be true. [Ibid., 16.]

It is ironic that the Torah's concept of human equality was so well expressed in German in the words of Friedrich von Schiller, which were later immortalized and sung so gloriously in the finale of Beethoven's Ninth Symphony: "Atte menchen weirden bruder"—"All humans shall be brothers." Had these words been taken to heart in twentieth-century Germany, the great tragedy of that time would have been averted.

*

7: Men and Women Are Equal

Revolutionary Truth #7:

Women are not inferior; rather, men and women are created equal.

And God created humankind in His image, in the image of God did He create it; male and female did He create them.

Genesis 1:27

At the time of God's creating humankind, in the likeness of God did He then make it, male and female He created them and gave blessing to them and called their name: Humankind! on the day of their being created.

Genesis 5:1-2

[Translation of Everett Fox in The Five Books of Moses (New York: Schocken Books, 1995).]

The verses above from Genesis are remarkable in the absolute way they proclaim the equality of male and female, created in the image of God, with no distinction between them. The strange shift between the singular "it" (which could also be translated as "him") to the plural "them" is the basis of the interesting Rabbinic midrash that the human being was created two-sided, one male and one female, and then later divided into two separate beings, a man and a woman. [Genesis Rabbalt 8:1. This midrash may be an attempt to unite the two creation stones: the first, saying that male and female were created together, represents the creation of one creature with two facets; the second story, the creation of Eve from Adam, represents the next stage, separation into two creatures. As biblical scholar Nahum Sarna remarks, "Both sexes are created on the sixth day by the hand of the one God; both are made 'in His image' on a level of absolute equality before Him." [Nahum M. Sama, The JPS Torah Commentary: Genesis (Philadelphia: Jewish Publication Society, 1989), 13.]

The verses had no need to spell out "male and female." By doing so they emphasize the equality of the sexes. These two verses, then, articulate an article of belief, a received truth: the equality of male and female.

As noted earlier, the second creation story in Genesis 2:4-24 is from a different source. [See chapter 5 for a discussion of these two sources.]

It describes the creation of Adam and Eve and seems somewhat less absolute regarding gender equality; it clearly posits that the male was created first and only later the female in answer to Adam's need for an appropriate companion. Nevertheless, it does state that the woman was created from the man and is therefore a part of him. "This last one is bone of my bones and flesh of my flesh. This one shall be called woman, for she was taken from man" (Gen. 2:23). The story of the creation of man —adam—from clay is similar to the story of the creation of the first human in the old Babylonian myth—"Let him be formed out of clay, be animated with blood"—but there is no parallel story in the latter to the creation of woman, nothing that indicates the close bond between male and female. [James B. Pritchard, ed.. The Ancient Near East: An Anthology of Text and Pictures (Princeton, NJ: Princeton University Press, 1958), 99.]

The Torah then goes on to explain the basis for marriage: "Hence a man leaves his father and mother and clings to his wife, so that they become one flesh" (Gen. 2:24). In a sense, we have come full circle to the original human of Genesis 1, who, at least according to the midrash, was indeed one flesh, male and female. Becoming one flesh is a clear indication of equality. It is interesting to note that after eating the forbidden fruit, Adam and Eve work together as partners and "sewed together fig leaves and made themselves loincloths" (Gen. 3:7).

The Portrayal of Women in Narrative Texts

Before discussing women's legal status, let us consider the image of women in some of the stories of the Torah, where they play a crucial role, as well as in later biblical writings.

The first story in which a female is depicted is that of Adam and Eve in the Garden of Eden (Genesis 3). It has been commonly assumed in European writings that Eve was a temptress and the source of human misery.

She is depicted thus in classical art and literature. For example, "God created Adam master and lord of living creatures, but Eve spoilt it all." [Martin Luther, Table-Talk, no. 727.]

But that is not what the text of the Torah actually says. The serpent did not tell her to disobey God but gave her a different version of God's command to Adam—a command she had never heard directly from God—and she believed it. Eve may have been naive to accept the serpent's word, but she did so because it seemed good to her, desirable and useful for imparting wisdom (Gen. 3:6). She handed some of the fruit to Adam, and without a word of protest, he—who had heard God's command—ate it. If anyone truly disobeyed God it was Adam, and God's words to him emphasize that: "Because you did as your wife said and ate of the tree about which I commanded you, 'You shall not eat of it" (Gen. 3:17). [Italics mine.]

Adam attempted to put all the blame on Eve, but God would not have it. Therefore, Adam's punishment is at least as severe as Eve is. The first woman, the mother of us all, may have been gullible, but she was not evil. She and Adam were equal in their creation and equal in their guilt. Nevertheless, this story also indicates that women will be governed by their husbands (Gen. 3:16), which is indeed a reflection of the status of women in biblical times.

In the stories of the founding families of Israel, although it is clear that a patriarchal society is being described in which men are dominant, the role of the matriarchs is not inconsequential. These matriarchs are clearly subordinate to their husbands, but they are by no means mere chattel lacking independence and initiative.

Sarah, Rebekah, and Rachel are all described as being beautiful (Gen.

12:11, 12:14. 24:16, 29:17). They are also intelligent, independent, and active in determining the fate of the nation. When Abraham wants Sarah to do something for him, he does not command her but asks for her help: "Please say that you are my sister" (Gen. 12:13). When Sarah tells Abraham to take some action, God says to him, "Whatever Sarah tells you, do as she says" (Gen. 21:12). The extraordinary care Abraham takes in finding an appropriate burial place for Sarah says something about her worth and the relationship between them (Genesis 23). No wonder a prophet saw fit to mention her specifically together with Abraham: "Look back to Abraham your father and to Sarah who brought you forth" (Isa. 51:2).

Rebekah is depicted as being extraordinarily kind and generous (Gen. 24:19-20). She is consulted concerning her marriage and has to give her consent (Gen. 24:57-58). She resembles Abraham and Sarah in being willing to leave her family and journey to far-off Canaan, an indication of her independence. Although the marriage was an arranged one, we are informed that "Isaac loved her" (Gen. 24:67). The same is said of Jacob and Rachel, a true love story if ever there was one (Gen. 29:18). Rebekah's initiative is also seen in her role in obtaining the blessing of the firstborn for Jacob (Genesis 27). Although we may question the propriety of such a deception, she obviously is acting out of a sense of what is necessary for the future of the family and is attempting to fulfill the prophecy she heard when she was pregnant (Gen. 25:23). Rebekah is anything but a passive figure.

The stories connected with the birth of Moses continue the tradition of the matriarchs in showing women as positive factors in determining the future of Israel. Shiphrah and Puah, the Hebrew midwives who resist Pharaoh's command to kill male babies, are the very symbol of righteous conduct (Exod. 1:17). They are given the highest compliment when the Torah says that "they revered God." Joheved, Moses's mother, is equally brave in defying Pharaoh and saving her son (Exod. 2:2-4). The same could be said of Pharaoh's daughter, who pities the child and saves him, knowing full well that he is one of the Hebrew babes whom her father has condemned to be killed (Exod. 2:6). Moses owes his life to these four women, and also to his sister, Miriam, who watched to see what would become of him. Miriam herself is termed a prophetess, one of the troika that led the people, and she is also a religious leader who led the women

in joyful and thankful song and dance (Exod. 15:20). It cannot be accidental that five women—and only women, no men—are deemed responsible for the life of Moses, without whom Israel would never have attained freedom from Egyptian bondage. Nor should we ignore Moses's wife, Zipporah, who takes drastic and courageous action to save the life of Moses when they are on the way back to Egypt (Exod. 4:24-26).

In addition to Miriam, we know of another prophetess, Huldah, who lived at the time of Jeremiah and was so prominent that when a scroll was found in the Temple, it was she to whom King Josiah's men turned to verify its authenticity and sacredness (2 Kings 22:14). Perhaps there were other women prophets who were simply not mentioned in the chronicles of the time.

Another woman, whom we usually refer to as a judge, is also deemed to have been a prophetess: 'Deborah, the wife of Lappidoth,

[Or possibly "the woman of torches," that is, the woman who is the torch lighting the way to victory.]

was a prophetess; she led Israel at that time ... and the Israelites would come to her for decisions" (Judg. 4:4-5). As a judge, she leads the nation, the equivalent of a president or prime minister today. Deborah even participates personally in the battle against Sisera, the Canaanite general, and defeats him (Judg. 4:9-16). Sisera himself is slain by Jael, another courageous woman (Judg. 4:17-21), who takes on herself a task usually assigned to men. thus breaking the stereotype of the proper roles of men and women.

The story of Dinah, Jacob's only daughter, is instructive in showing how women were expected to conduct themselves and how they were regarded in patriarchal societies. "Dinah ... went out to visit the daughters of the land. Shechem son of Hamor the Hivite, chief of the country, saw her, and lay with her and mistreated her" (Gen. 34:1-2). The word translated here as "mistreated" is sometimes translated as "forced." Its usual meaning, however, is to cause affliction or harm. Although the story is often taken to mean that Shechem raped her, biblical scholar Tikva Frymer-Kensky convincingly demonstrates that is not necessarily the case. [Tikva Frymer-Kensky, "Virginity in the Bible," in Gender and Law in the Hebrew Bible and the Ancient Near East, ed. Victor H. Matthews,

Bernard M. Levinson, and Tikva Frymer-Kensky (London: Sheffield Academic Press, 1998), 86ff.]

Dinah may have consented; her 'going out" was already an indication of her not acting in an appropriate fashion, as would become a proper virginal daughter. Shechem's mistreatment or humiliation of her comes from his having intercourse with her before marriage. It does not sound as if Shechem was a brutal rapist. On the contrary: "Being strongly drawn to Dinah ... and in love with the maiden, he spoke to the maiden tenderly" (Gen. 34:3). In stark contrast with the story of Amnon and Tamar (2 Sam. 13:14), where Amnon brutally rapes Tamar and then discards her callously, Shechem wants to marry Dinah. Whether she consented or not is of little importance here;

[For a thorough discussion that concludes Dinah did not consent, see S. David Sperling, "Dinah, 'Innah, and Related Matters.' in Mishneh Torah. ed. Nili S. Fox, David A. Glatt-Gilad, and Michael J. Williams (Winona Lake, IN: Eisenbrauns, 2008).]

in either case, the family's honor has been maligned. As Simeon and Levi say to their father after they have avenged this dishonor in a dishonorable way, "Should our sister be treated like a whore?" (Gen. 34:31). A whore is not raped. To have a sister with whom other men feel free to lay as they would with a whore is a disgrace to the family, to the father and brothers who could not keep that from happening.

Two biblical books are called by the names of women who are the heroines of their stories, Ruth and Esther. Some have even speculated that they may have been written by women. [Hillel I Millgram, Four Biblical Heroines and the Case for Female Authorship (Jefferson, NC: McFarland, 2008).]

Ruth, a novella set in the period of the Judges, depicts the travails of women who have no men to provide for them. The solution to the problem is to find a relative who will take on himself the task of redeeming Ruth, the widow of his kin. Ruth, a Moabite woman who decides to accompany her Israelite mother-in-law Naomi and assumes the nationality and religion of Naomi, is the very embodiment of loyalty and loving-kindness (Ruth 2:11-12, 4:15). The irony of this story is that it has as its heroine a woman who comes from a people who were

considered the enemies of Israel. Moabite women caused the disaster of the plague at Baal-peor (Num. 25:1-9), and now a Moabite woman is the ancestress of David, the king of Israel and progenitor of the Messiah. The message is that Moabite women are not to be scorned. They, too, can be accepted into Israel and can be bearers of future leaders. The book of Ruth may also be understood as protesting Ezra's actions at the return from Babylon in demanding that foreign wives be renounced (Ezra 10).

Esther risks her life to save the Jewish people in exile when they are threatened with extermination by the evil Haman (Esther 4:16). Although Mordecai might be seen as the true hero of the story because it is he who convinces Esther of what she has to do and eventually becomes second only to King Ahasuerus (Esther 10:3), it is Esther who continually intercedes with the king and to whom he gives authority. The book is not called Mordecai but Esther, attesting to her power and the esteem in which she is held.

Song of Songs, often thought of as a problematic book because of its frank and erotic depictions of male and female sexuality, is unique in allowing a woman full freedom and complete equality with a man in all things. She is no more or less a sex object than is her male beloved. When she says, "I am my lover's and my lover is mine" (Song 6:3), she expresses beautifully the mutuality of their love. Benjamin Segal, in his commentary to Song of Songs, writes, "The Song departs from the Bible's androcentric view of love relationships ... and the Song is certainly revolutionary in that regard. However, there may be biblical parallels to this approach. Some feel that the Song's egalitarianism reflects the original harmony of another story—the Garden of Eden." [Benjamin Segal, The Song of Songs: A Woman in Love (Jerusalem: Gefen, 2009), 166-67.]

For the only truly misogynist picture of women in the Bible, one must turn to the book of Ecclesiastes, in which the anonymous wisdom teacher called Kohelet, who masquerades as King Solomon, has little good to say about them: "Now I find woman more bitter than death; she is all traps, her hands are fetters and her heart is snares' (Eccles. 7:26). He does manage, however, to recommend enjoying happiness "with a woman you love all the fleeting days of life that have been granted you" (Eccles. 9:9). The writer of that book has many ideas that are strange to the rest of the

Bible and may have been influenced by the denigration of women that is found in classical Greek thought. [Tikva Frymer-Kensky, Reading the Women of the Bible (New York: Schocken Books, 2002), xvi.]

Fortunately, this altitude finds few echoes in other parts of the Hebrew Bible, although in another wisdom book. Proverbs, there are warnings to youth about designing women who entrap them with sexual wiles (Prov. 5:1-19, 7:1-27). More typical would be the chapter at the conclusion of Proverbs:

O to find a capable wife!

Her worth is far beyond rubies.

Her husband puts his confidence in her And lacks no good thing.

She is good to him, never bad,

All the days of her life.

(Prov. 31:10-11)

This woman, sometimes described as "a woman of valor," takes total control of her household, conducts a business, treats the poor charitably, and makes and sells cloth. "Her mouth is full of wisdom, her tongue with kindly teaching" (Prov. 31:26). "Her husband praises her" (v. 28).

It should be pointed out, on the other hand, that we are never told the names of the wives of either Cain or Noah or the daughters of Lot. When the names of all who lived are given in 1 Chronicles 1, women are largely omitted, including the matriarchs.

Women and Worship

Miriam's leading the women in song to praise God after the salvation of Israel at the Red Sea (Exod. 15:20-21) indicates that women were expected to participate in the worship of God. Deuteronomy often goes out of its way to specifically mention women, wives, or households to include women in participation in cultic rites and worship. Thus, they are included in rejoicing in Jerusalem (Deut. 12:12, 14:26, 15:20, 26:11) and in resting on the Sabbath (5:14). Although the laws are written as if addressed specifically to men, they include women as participants in the major rituals of Israelite worship. In Deuteronomy 31:10-12, Moses tells the people specifically that every seventh year at Sukkot, all Israel, "men, women, little children," are to gather to listen to the Teaching being read aloud. Exodus 38:8 also mentions "women who performed tasks at the entrance of the Tent of Meeting," although exactly what they did remains unknown. [There is a similar reference to such women in I Samuel 2:22.]

In two places in Leviticus, 12:6 and 15:29, women are specifically required to bring sacrificial offerings to the sanctuary to achieve ritual purification. Biblical scholar Meyer Gruber points out that in the Priestly legislation in the Torah, "neutral, nonsexist expressions *nefesh* and *adam*, both meaning 'person,'" are used referring to cultic acts that can be performed by either men or women. [Meyer Gruber. The Motherhood of God and Other Studies (Atlanta: Scholars Press, 1992), 62.]

Women as well as men played in the orchestra in the Temple in David's lime (1 Chron. 25:5-6) and sang in the choir during the postexilic period (Ezra 2:65 and Neh. 7:67). [Ibid., 66.]

That women did participate in worship is seen in the anecdotal stories of Hannah, who "went up to the House of the Lord year after year" to worship (1 Sam. 1:7) and of the Shunamite woman whose husband questions why she is going to see Elisha the prophet when "it is neither the new moon nor Sabbath" (2 Kings 4:23). [Eckart Otto, "False Weights in the Scales of Biblical Justice?" in Matthews et al.. Gender and Law, 129,143.]

Within the family, although it was undoubtedly patriarchal, the mother was not ignored.

The Legal Rights of Women

On the basis of Genesis's expression of equality, we could expect that despite minor exceptions of matters concerned directly with women's sexuality and role in procreation, there would be no distinction between men and women in their rights and their treatment under the law. Of course, that is not the case. Things are not that simple. The Torah, after all, is not a utopian book but a product of its times, and ancient societies were patriarchal, often much more so than in Israel. Men controlled women and their lives and were dominant in all matters. The Torah accepts that worldview and does not truly reform it, although in some ways the Torah modifies what was happening elsewhere. What is crucial is that the Torah acknowledges that, as the Genesis story teaches, both men and women are human and are equal. As Tikva Frymer-Kensky writes, "The role of women is clearly subordinate, but the Hebrew Bible does not 'explain' or justify this subordination by portraying women as different or inferior. The stories do not reflect any differences in goals and desires between men and women." [Frymer-Kensky, Reading the Women, xv.1

The initial insight is of great importance and influence, but it was not carried to its ultimate implications in the Torah any more than it was in Western societies. After all, a constitutional amendment proclaiming the equality of men and women has yet to be approved in the United States.

When we consider the laws pertaining to women in the Torah, we find specific laws in which women are treated differently than men and have fewer rights. Nevertheless, we can also detect the effect of the idea of equality in provisions intended to give women certain rights and protection. This becomes clear when we compare the Torah's legislation to that of other Near Eastern societies. It must be stated, however, that we never can be certain if the laws of the Torah were ever really enforced, or if some of them were theoretical or polemical. This is particularly true when we see that the laws in one corpus do not always agree with those in other sections. Deuteronomy, for example, is generally considered a later book than the others, and many scholars feel that its laws had no juridical application but were more homiletical in nature. [See, for example, Harold C. Washington, "Lest He Die in Battle and Another Man Take

Her": Violence and the Construction of Gender in the Laws of Deuteronomy 20-22," in Matthews et al.. Gender and Law, 195.]

One major area of legislation is in the area of sexual relations, in which the woman's virginity is paramount. In many ancient societies, and Israel was certainly one of them, a woman's virginity was highly prized. [Frymer-Kensky, Reading the Women, 79ff.]

An unmarried woman who lost her virginity voluntarily dishonored her family by demonstrating that her father had no control over her. "Real men have the strength and cunning to protect and control their women." [Ibid., 84.] The case of Dinah, discussed above, is an example of that. Lack of virginity threatens not only social status, but also economic viability of the family. [Victor H. Matthews, "Honor and Shame in Gender-Related Legal Situations in the Hebrew Bible," in Matthews et al.. Gender and Law, 108.]

Deuteronomy 22:13-21 discusses the case of a bride whose husband accuses her of not being a virgin. If the charge is proved correct, the woman faces the death penalty. If the charge is proved false, the husband is flogged and fined, and he can never divorce her. Although the woman's feelings are not taken into account, the law benefits her because the deliberate harshness of the penalty in either case may serve to discourage the accusations from ever being made public. [See Adele Berlin, "Sex and the Single Girl in Deuteronomy 22," in Fox et al., Mishneh Torah, 95ff.]

Strangely enough, the evidence—the sheet with blood on it— remains in the hands of the bride's parents, whereas in other cultures it belongs to the groom. [Frymer-Kensky, Reading the Women, 95.]

Her parents could, should they so desire, manufacture false evidence. Thus, her fate is in their hands. Indeed, parents controlled not only daughters but also sons, as the law of the rebellious son demonstrates (Deut. 21:18-21). All of this indicates that the purpose of this law was not so much to punish the bride as it was to protect the woman, given that under Mesopotamian law a man could simply divorce his wife by claiming lack of virginity without her having any opportunity to defend herself. [Otto, "False Weights," in Matthews et al.. Gender and the Law, 135.]

This concern for the woman and her rights is also shown in Deuteronomy 22:28-29, where a man who has raped an unmarried woman must not only pay a fine, but must also marry her and may never

divorce her. On the other hand, in Exodus 22:15—16, when a man seduces a woman, her father has the right to refuse the marriage and just take the money. [*Ibid.*, 133.]

Even a law that today seems to degrade women may originally have been intended to protect them. In Deuteronomy 25:5-10, a childless woman whose husband has died is expected to marry her husband's brother. If the brother refuses to marry her, he must undergo a ceremony in which he is shamed and even spit on. To us, insisting that a woman marry someone she may not want to marry may seem a way of degrading the woman, but in biblical society, in which an independent woman had no protection, it guaranteed her future livelihood and sustenance. Giving her the rights to call on the brother to do so and to publicly shame him if he did not was a recognition of her independent status and her right to protect her own needs. [Ibid., 139-40.]

Similarly, the law of the captive foreign woman—in which the man who wishes to cohabit with her must give her time to lament her parents before making her a wife, with all the privileges thereof, and may not sell her if he tires of her but must emancipate her (Deut. 21:10-14)—is a far cry from the usual practice in ancient warfare, and some modem as well, of taking women at will.

Exodus 21:2, speaking of the limitation of six years of service for a person who sold himself into indentured servitude, uses the expression "a Hebrew slave"—in the masculine form. In contrast, Deuteronomy 15:12 states that "a fellow Hebrew, man or woman" goes free after six years. Exodus 21:7 also speaks of a man who sells his daughter and says specifically that "she shall not be freed as male slaves are." It seems likely that Deuteronomy is amending the slavery laws of Exodus to prevent a woman from being sold into perpetual concubinage-slavery by her father. [Jeffrey Tigay's position on this is that they may have been discussing different cases and that Exodus may have intended to include women as well. See Jeffrey H. Tigay, The JPS Torah Commentary: Deuteronomy (Philadelphia: Jewish Publication Society, 1996), 148.]

In Exodus 21:8-11, the law provides a certain measure of protection for girls sold that way by insisting that her master cannot sell her to others nor withhold any rights from her if he marries someone else. In those cases, she simply goes free. Nor is a man permitted to sell his wife into slavery while remaining free himself, as other societies allowed. [Carolyn

Pressler, "Wives and Daughters, Bond and Free," in Matthews et al., Gender and Law, 157-161.]

The Decalogue, in Exodus 20:12 and again in Deuteronomy 5:16, stales that mothers are to be honored along with fathers, while Leviticus 19:3 even places the mother first in the command "You shall each revere his mother and his father."

The Sotah Law

Perhaps the most controversial law concerning women is that of the *sotah*, the woman suspected of adultery when there are no witnesses to the act and no proof (Num. 5:11-31). If the woman does not confess to it but protests her innocence, she is made to undergo an ordeal, the only such instance in the Torah. She drinks "bitter waters' in which the ink from the writing of a curse has been placed together with earth from the floor of the sanctuary. If her belly distends and her thigh sags, she is considered guilty; the consequence is that she becomes unable to bear children. If innocent, nothing happens to her and she becomes fertile. This ordeal has its parallels in the Code of Hammurabi, although there are significant differences, the main one being that in the latter, if proved guilty she is put to death. [See Jacob Milgrom, The JPS Torah Commentary: Numbers (Philadelphia: Jewish Publication Society, 1990), 347-48.]

Torah law was very strict in permitting the death penally only where there are two witnesses to the crime (Deut. 19:15). The *sotah* ceremony certainly shames the woman, but it also has the effect of clearing her where there is doubt, thus permitting the marital relationship to be restored. It also saves her from the possibility of being wrongly divorced or even physically abused. It most certainly takes the matter out of the hands of her husband and places it under the judgment of God. [See the discussion in Victor H. Matthews, "Honor and Shame," in Matthews et al., Gender and Law, 102ff.]

According to the Rabbinic law code, the Mishnah, this law was made inoperative by Rabban Yochanan ben Zakkai during the first century CE, "when the number of adulterers grew large" (Mishnah Sotah 9:9). Nevertheless, the Mishnah devotes an entire section to it, as does the Talmud. The thrust of the Rabbinic reinterpretation of the law is to make it more difficult to bring a woman to this ordeal. For example, the husband must have warned her in the presence of two witnesses against speaking with a certain man, after which she secluded herself with that man (Mishnah Sotah 1:1-2). The Rabbis also require the paramour to be there at the ordeal and state that it would test him as well (Mishnah

Sotah 5:1), thus addressing the inequality in the Torah's description, which totally ignores the man involved and tests only the woman. In the words of Talmudic scholar Judith Hauptman, "The rabbis sharply reduced the number of instances in which a man could subject his wife to the ordeal of the bitter waters because they recognized that, by their standards, this section of the Torah treats women unfairly." [Judith Hauptman, Rereading the Rabbis: A Woman's Voice (Boulder, CO: West view Press, 1998), 18.]

Marriage and Divorce

Perhaps the most problematic laws concern marriage and divorce. The man acquires the woman as his wife; therefore, it is he who can dismiss her. She has no such rights. Rabbinic Judaism sought to remedy this situation at least in part by the institution of the *ketubah*, the marriage document in which the woman is given financial protection in case of divorce. Whereas under Roman law a divorced woman received only the dowry she brought to the marriage, the ketubah specified an additional sum that the husband would have to give her (Mishnah Ketubot 1:2). In addition, the Mishnah spells out other ways in which a wife is protected, such as receiving medical care and being supported from his estate should her husband predecease her (Mishnah Ketubot 4:8-9). In Hauptman's words, "In a sense this is a complete insurance policy." [Ibid., 67. See also p. 74, where Hauptman states that marriage underwent a radical change in the Rabbinic period, conferring more rights and benefits upon both women and men, thereby changing marriage from chattel into a negotiated relationship.]

Divorce is even more problematic than marriage. According to the Torah, if a wife fails to please her husband in that "he finds in her something obnoxious," he simply "writes her a bill of divorcement, hands it to her, and sends her away from his house" (Deut. 24:1). The term "obnoxious" is not defined, and commentators ancient and modem are divided as to its meaning. The school of Shammai confined it to sexual matters (Mishnah Gittin 9:10), but in general, it has been given the much broader interpretation of "any conduct the husband finds intolerable."

[Tigay, JPS Torah Commentary: Deuteronomy, 221.]

Thus, the right of divorce is totally in his hands. We have already seen that the Rabbis protected her financially through the *ketubah's* regulations, but that does not solve the basic problem: that divorce is totally the man's prerogative. Of course, in that society, it would be unlikely that a woman would want a divorce, because it left her basically destitute and unprotected.

In several places, the Mishnah inaugurates the idea of a forced divorce in which the Rabbinic court has the right to require the man to grant a divorce, even against his will (Mishnah *Ketubot* 7:9—10; Mishnah Gittin 9:8). In Arahhin 5:6, the Mishnah states, "We force him until he says, "I am willing!" [See the discussion in Hauptman, Rereading the Rabbis, 116ff.]

In pre-Emancipation Jewish society, prior to the French Revolution, the problem posed by the Torah's divorce laws was generally solved by community pressure on the husband to grant a divorce if the wife desired one. In modern-day Jewish life, enforcing this has become much more difficult. Many rabbinical groups have therefore adopted changes in the *ketubah* or prenuptial agreements stipulating that the bride and groom grant the rabbinical court the right to decide if a divorce must be granted. Nevertheless, the problem of the *agunah*, the woman who cannot remarry because the husband will not grant a divorce, remains a vexing one in Jewish life.

The Rabbis certainly did not eradicate the patriarchal basis of Jewish law and grant women full equality, but they were aware of the problem and attempted to at least alleviate it. To quote Hauptman again, "They began to introduce numerous, significant, and occasionally bold corrective measures to ameliorate the lot of women ... They broke new ground, granting women benefits that they never had before, even at men's expense." [Ibid., 4.]

Inheritance

The laws of inheritance seem to be an exception to the Torah's more lenient approach to women; ancient Sumerian law, for example, granted daughters equal inheritance rights, while the Torah grants them only to sons. The famous case of the daughters of Zelophehad, who had no sons (Num. 27:1-11), is the exception. The daughters come to Moses protesting that when the land of Canaan is divided among all the tribes, their father will have no portion. God informs Moses that their plea is just, and the law is formulated so that if there is no son, the daughters will inherit the property. However, it is later stipulated that they must marry within the ancestral clan (Num. 36:5-12). Why the Torah was so far behind the laws of other groups in this matter is puzzling. A plausible explanation has been offered by Jacob Milgrom. He states that the reason is to be found in the different structures of these societies. Mesopotamian societies were centralized, urban societies, while the Torah, "in its earliest stages, presumes a tightly knit clan structure; the foremost goal of its legal system was the preservation of the clan." [Milgrom, JPS Torah Commentary: Numbers, 482.1

Allowing daughters who may be married to men from a different clan to inherit would destroy that structure.

We see, therefore, that although Genesis 1 clearly assumes the equality of women, this ideal was not reflected in all parts of the Bible. The reality was that there existed a patriarchal society in which women were controlled and protected by father and husband, but they could also serve as true partners in love and as religious and political leaders. Women could be busy not only with the house but also in business and commerce and could be thought of as a source of wisdom. Although some laws of the Torah regarding women may be unacceptable today, in their time they generally served to protect women in a society that was far different from that which is currently acceptable. Biblical scholar Eckart Otto goes so far as to claim:

The family laws in the book of Deuteronomy had a progressive and protective attitude toward the legal status of women. They were deeply concerned with the restriction of male predominance . . in modern eyes

this may be too little and by no means enough—but in antiquity and for women living at that lime it meant very much ... land) paved the way for the modem emancipation of women. [Otto, "False Weights," 140.]

8: Human Beings Have Free Will

Revolutionary Truth #8:

Human beings are endowed with free will and can choose their actions.

Life and death have I have set before you, blessing and curse—choose life so that you and your offspring would live.

Deuteronomy 30:19

God made man unrestrained and free, acting voluntarily and of his own choice, to the end that, being acquainted with bad things as well as good, and acquiring conceptions of honorable and shameful conduct, and thinking clearly about right and wrong and all that has to do with virtue and vice, he may habitually choose the better and avoid the contrary. *Philo [Philo, "On the Unchangeableness of God," in The Works of Philo Judaeus, trans. from the Greek by Charles Duke Yonge (London: H. G. Bohn, 1854-90), 46-50.]*

What role does fate play in our lives? How free are we to make choices, even choices that will harm us? Verdi wrote an opera titled *The Force of Destiny (La forza del destino)* dedicated to the concept that destiny dictates our lives, while another of his operas, *Rigoletto*, concludes with the despairing jester crying out against the curse that brought about the tragedy the protagonist laments, the death of his daughter.

Shakespeare, too, often invokes the concept of fate dictating the lives of his characters. Could Macbeth have done other than live out the events that the witches predicted? Even Hamlet despairs, "There's a divinity that shapes our ends, rough-hew them how we may" (Act 5, Scene 2). [William Shakespeare, Hamlet (New Haven: Yale University Press, 1947), 159.]

Long before Shakespeare, it was taken for granted in ancient Greece that a person had no way to escape his destiny. In *Oedipus*, Sophocles's play built on the legend of the doomed king, Oedipus's wife- mother Jocasta recounts, "It was told him [Laius] that it was fate that he should

die a victim at the hands of his own son, a son to be born of Laius and me." [Sophocles, Oedipus the King, in The Complete Greek Tragedies, vol. 2, ed. David Grene and Richard Lattimore (Chicago: University of Chicago Press, 1992), 41.]

Oedipus himself relates how he was told by a seer that "I was fated to lie with my mother ... and I was doomed to be a murderer of the father that begot me." [Ibid., 45.]

Fleeing to avoid this, he nevertheless fulfills the prophecy. "Would not one rightly judge and say that on me these things were sent by some malignant God?" [Ibid., 46.]

he asks. Oedipus is doomed from birth to kill his father and marry his mother; he has no way of escaping this terrible fate.

The idea of fate, known to the Greeks as *moira* and to the Romans later as *faturn*, is integral to ancient pagan religions. Even the gods have no control over it. Time after time in Greek legends, notes biblical scholar Yehezkel Kaufmann, heroes such as Achilles and even the gods themselves are told of what fate has in store for them and have absolutely no way of avoiding it. *[Yehezkel Kaufmann, The Religion of Israel, trans. and abridged by Moshe Greenberg (Chicago: University of Chicago Press. 1960), 33.]*

This idea of freedom of will also seems to fly in the face of much that modern science teaches us. As we learn about the influence of hormones on our actions, as we see how drugs and pharmaceuticals can shape our behavior, it often seems that there remains little room for choice. If rats and other animals can be trained to Pavlovian responses, are not humans susceptible to similar programming? Physical and psychological forces beyond our control shape our actions and therefore our destinies. What, then, remains of our free will, our ability to make decisions free of coercion? As theologian Abraham Joshua Heschel puts it, "What makes a human being human is not just mechanical, biological, and psychological functioning, but the ability to make decisions constantly." [Abraham J. Heschel, Who Is Man? (Stanford, CA: Stanford University Press, 1965), 9.]

One of the world's most famous scientists, Albert Einstein, said, "I am a determinist. I do not believe in free will. Jews believe in free will. They believe that man shapes his own life. I reject that doctrine. In that respect I am not a Jew." [Quoted in Walter Isaacson, Einstein (New York: Simon and Schuster, 2007), 387.]

In his famous credo What I Believe, written in 1930, he states clearly:

I do not at all believe in free will in the philosophical sense. Everybody acts not only under external compulsion but also in accordance with inner necessity. Schopenhauer's saying, "A man can do as he wills, but not will as he wills," has been a real inspiration to me since my youth: it has been a continual consolation in the face of life's hardships, my own and others', and an unfailing wellspring of tolerance. [Ibid., 391.]

It may be a source of consolation to think that if we made wrong choices, it was not our fault because everyone acts under compulsion, but does it not also relieve us of responsibility for our actions? Would this not mean the end of all ethics? To his credit, Einstein conceded that "I am compelled to act as if free will existed, because if I wish to live in a civilized society I must act responsibly." [Ibid., 392.]

Unlike Einstein, and unlike many ancient and modern religions, including various interpretations of Christianity and Islam that are predicated on the idea that the actions and fate of humans are predestined,

[See Abba Hillel Silver, Where Judaism Differed (New York: Macmillan, 1963), 243-53.]

the Torah insists that human beings do indeed have free will. We can choose blessing or curse, life or death, good or evil. The Torah may tell us how we should decide — "choose life" (Deut. 30:19) — but it cannot force us to do so. Our choices have consequences —consequences that are often spelled out in advance — but the choice remains ours.

Certainly there are tremendous limitations on human freedom of action. We are limited by the physical and mental abilities with which we are born, although we seldom if ever reach their maximum capacities. We are limited by the place in which we live and the time into which we are born. Obviously, there are forces —nature and nurture— that shape our

lives; the debate continues as to which is more influential and how much each determines our actions. Yet, even given all of those limitations, the Torah asserts as an unprovable but basic religious truth that we have freedom of will, freedom of choice. As Viktor Frankl puts it, "Man's freedom is no freedom from conditions but rather freedom to take a stand on whatever conditions might confront him." [Viktor Frankl, The Will to Meaning: Foundations and Applications of Logotherapy (New York: World Publishing, 1969), 16.]

The Choice Between Good and Evil

All of the early stories of Genesis, which are clearly intended to explain the nature of human beings and of human life, emphasize choice and free will. Even the first tale, that of Adam and Eve in the Garden of Eden, presents these two naive creatures, who have no life experience and no history of the past to guide them, as free agents. Before the creation of Eve, Adam is given one commandment: not to eat of the tree of knowledge of good and evil, "for as soon as you eat of it you shall die" (Gen. 2:17). Commentators, ancient and modern, have spilt a great deal of ink over the meaning of that verse. What exactly is "knowledge of good and evil"? Yehezkel Kaufmann's interpretation, that it means "the knowledge of, and desire for, evil, without which man's comprehension is incomplete," is compelling. [Kaufmann, Religion, 293.]

Whatever the meaning, one thing is clear: Adam is commanded. He is not programmed. If he disobeys and eats of the fruit of the tree, his disobedience has a price, but the choice is his. Indeed, Adam and Eve exercise that right of choice, with well-known consequences. Human life and experience as we know it begins with the exercise of our free will.

The story of Cain and Abel is even more explicit in its message of freedom of choice. When Cain's offering to God is rejected, he is greatly distressed. God then speaks to him and says, "Why are you distressed, and why is your face fallen? Surely, if you do right, there is uplift. But if you do not do right, sin crouches at the door; its urge is toward you, yet you can rule over it" (Gen. 4:6-7). Sin is depicted as a monster that waits in secret to pounce and cause evil, but the important message is "you can rule over it." Nothing automatically forces us to do wrong. Ours is the choice. It is not accidental that the word "sin" makes its first appearance in the Torah in this context. Freedom of choice and sin are two sides of the same coin. The one implies the possibility of the other. We cannot sin if our actions are not the result of free choice. That was Einstein's ethical dilemma.

An ancient midrash based on the verse "Fear not, for God has heeded the cry of the boy where he is" (Gen. 21:17) relates that when God decides to save Ishmael from death by revealing the location of a well to his mother, Hagar, the angels ask the Holy One, "Why should you save the life of a man whose descendants will kill Your children?" God replies, "What is he now—at this moment?" They answered, "He is righteous." God then replied, "I judge a person solely by what he is at this moment—'where he is.'" Therefore, Ishmael is saved. [Genesis Rabbah 53:18.].

The story implies that regardless of how it appears, and regardless of what may be foreseen, at any moment the individual stands at the crossroads and can choose in which direction to go. Until the action has been taken, the die is not cast.

Indeed, the early stories of Genesis—Adam and Eve, Cain and Abel, the flood, the Tower of Babel—are all predicated on the concept of free will and the freedom given to human beings to disobey and to rebel against the express will of God. "In place of myth Israelite religion conceived the historical drama of human rebellion and sin," notes Kaufmann. [Kaufmann, Religion, 295.]

Sin brings consequences in its wake, but the choice of rebellion or obedience is ours. No force or fate compels us one way or the other.

The Inclination toward Evil

What, then, seems to cause humans to make the wrong choice so often? From this question emerges the idea of the *yetzer*, the human inclination or urge, sometimes called the *yetzer ha-ra*, the evil inclination (discussed in chapter 2). After the story of the flood, God pledges never to destroy all humanity again because "the inclination of a person's heart is evil from his youth" (Gen. 8:21). Humans can be expected to sin because there are impulses and urges built into the human psyche that lead them in that direction. "To err is human." Yet, as Cain was told, these urges can be controlled. Furthermore, the same impulse that leads to evil can also lead to good. Thus, Rabbi Samuel ben Nachman taught that the evil impulse was actually very good because "were it not for the evil impulse, no one would build a house, marry, beget children, or engage in trade." [Genesis Rabbah 9:7.]

Modern psychoanalysis might well identify the yelzer with the id, impulses that need to be controlled. Judaism teaches that the solution to this dilemma of the yetzer is the life of discipline under the commandments, the mitzvot, which teach human beings control. This was the meaning of the teaching of the Babylonian Amora Raba, "If God created the evil inclination. He also created the Torah with which to temper it" (Talmud, Baba Batra 16a). Urges need not be suppressed. Rather, they can be channeled and thus controlled. "You can rule over it"; it need not rule over you. Neither the Torah nor the teachings of the Rabbis underestimate the power of the evil inclination. It plays a major role in human life. Humans are not automatically good. They have to work at it—but neither are they automatically evil. [See the discussion in Milton Steinberg's Anatomy of Faith (New York: Harcourt. Brace, 1960), 193: "The ancient rabbis ... never minimized the yezer ha-ra. It was compared to 'the old, stupid king' of Ecclesiastes, while the yezer ha-tov—the good inclination—is but a needy, though wise, child (Kohelet Rabbah 4:13)."]

As Yehezkel Kaufmann writes. "Sin is not a tragic necessity; it is always the fruit of will, and its guilt is always deserved. ... The important point is that the ultimate causes of sin and punishment lie always in the will and act of man. Because man can choose to do good, he is answerable for his

evil-doing. Hence the unparalleled moral passion of the Bible." [Kaufmann, Religion, 329.]

Free Will and God's Omniscience

Theological speculation in Judaism—and in other religions as well—has often dwelt on the problem of free will and God's omniscience. How is it possible for God to be all-knowing yet for free will to exist? If God knows everything that will happen and knows all the choices that a person will make, there seems to be no room for personal choice. Such knowledge implies predestination; personal choice becomes a delusion. We think we are free to choose, but in reality, we are only doing what has already been determined we will do!

As contemporary Jewish thinker Louis Jacobs puts it:

To deny God's foreknowledge seems to suggest ignorance and limitation of God and hence appears to be incompatible with God's utter perfection. To deny human freedom, on the other hand, seems to make nonsense of the Jewish religion, which contains innumerable appeals to man to choose the good and which informs him that he will be rewarded for so doing, but punished if he does evil. [Louis Jacobs, Religion and the Individual (Cambridge: Cambridge University Press, 1992), 79.]

Although this dilemma presented a problem, medieval Jewish thinkers could not conceive of humanity's being deprived of freedom of choice. The exception to this view is Jewish pholosopher Hisdai Crescas (1340-1410), who denied free will to uphold God's omniscience. [Louis Jacobs, A Jewish Theology (London: Darton, Longman and Todd, 1973), 78-79. See also Jacob B. Agus, The Evolution of Jewish Thought (London: Abelard-Schuman, 1959), 224, 403ff.]

For the most part, the medieval philosophers who discussed this problem found a way of keeping both ends of the conundrum, not being willing to give up either God's perfection or human free will, which was and remains so important and so precious within Jewish thinking. Generally, they posit that God's knowledge is not the same as that of human beings and we cannot grasp it, or that time is not the same for God as for us, or, as Lurianic Kabbalah put it, God has withdrawn, has limited Himself, to give humans the ability to make choices.

In truth, this theological dilemma never existed prior to the Middle Ages, when Jewish philosophers, Saadia and Maimonides prominent among them, began to deal with Jewish belief in categories, largely borrowed from Greek philosophical speculation, that were unknown previously in Judaism. [See George Foot Moore. Judaism (Cambridge, MA: Harvard University Press, 1946), 1:454ff.]

Neither the Torah nor the Rabbis were ever concerned with this problem. Their concept of God was not based on the Greek idea of perfection, to wit, that God was perfect and therefore all-knowing and that if one said God did not know what choice a person might make, God was not perfect. The God of the Torah is a living being who can even change His mind and is not depicted as knowing all things in advance. [See a full discussion in Jacobs, A Jewish Theology, 72-80.]

Many translators have interpreted a statement of Rabbi Akiba in *Pirkei* Avot 3:15 as if it dealt with this conundrum and have translated it as "All is foreseen, but freedom of choice is given." The correct translation, however, is more likely "All is seen, and freedom is given." *[See Jacobs, Religion. 79-80.]*

If anything, Akiba actually emphasizes freedom of choice while stating that God beholds and is aware of everything that we do. There is no contradiction between these statements.

In a sense, the idea of free will is implied in the Torah's concept of divinity, which, as we have seen, denies the existence of any power other than God, of any "fate" that controls God, or of any magic or ritual that can coerce God, God is free; so too humans, made in God's image, are free. Even God cannot or will not force His creatures to act one way or another. Without denying that God has a plan for humanity—such as the plan for Israel's descent into Egypt and its redemption from slavery—this does not mean that individuals are destined to do one thing or the other and do not have freedom of choice and action. In the words of biblical scholar Moshe Greenberg, "Events unfold under the providence of God, yet their unfolding is always according to the motives of their human actors through whom God's will is done without their realizing it" [Moshe Greenberg. Understanding Exodus (New York: Behrman House, 1969),

Abraham Lincoln, who often wrestled with questions of religious belief, left a scrap of paper that has come to be known as the "Meditation on Divine Will":

The will of God prevails. In great contests each party claims to act in accordance with the will of God. Both may be, and one must be, wrong. God cannot be for and against the same thing at the same lime. In the present civil war, it is quite possible that God's purpose is something different from the purpose of either party—and yet the human instrumentalities, working just as they do, are of the best adaptation to effect His purpose. I am almost ready to say that this is probably true—that God wills this contest, and wills that it shall not end yet. By His mere great power, on the minds of the now contestants, He could have either saved or destroyed the Union without a human contest.

Yet the contest began. And having begun He could give the final victory to either side any day. Yet the contest proceeds. [Collected Works of Abraham Lincoln, ed. Roy R Basler (New Brunswick, NJ: Ruigers University Press, 1953), 5:404.]

Hardening the Heart

According to the Torah, fate does not control human life, nor does God determine our actions. The one contradictory instance in the Torah is the story of the hardening of Pharaoh's heart. Beginning with the sixth plague, boils, the Torah uses the expression "YHVH stiffened the heart of Pharaoh, and he would not heed them" (Exod. 9:12). This idea is repeated in Exodus 10:1, 10:20, and 11:10. Prior to that, although God had told Moses earlier that He would stiffen Pharaoh's heart (Exod. 4:21), each lime Pharaoh refuses to let the Israelites go the Torah says that Pharaoh's "heart was stiffened" (Exod. 8:15) or Pharaoh became stubborn (Exod. 8:28). Biblical commentator Nahum Sarna explains it this way:

The "hardening of the heart" thus expresses a state of arrogant moral degeneracy, unresponsive to reason and incapable of compassion. Pharaoh's personal culpability is beyond question.

It is to be noted that in the first five plagues Pharaoh's obduracy is self-willed. It is only thereafter that it is attributed to divine causality. This is the biblical way of asserting that the king's intransigence has by then become habitual and irreversible; his character has become his destiny. He is deprived of the possibility of relenting and is irresistibly impelled to his self- wrought doom. [Nahum M. Sarna, The JPS Torah Commentary: Exodus (Philadelphia: Jewish Publication Society, 1991), 21,]

"God made it so, but Pharaoh had only to be himself to do God's will," notes Moshe Greenberg. [Greenberg, Understanding Exodus, 182.]

Freedom of will remains the overriding concept of the Torah regarding human action. [Brevard S. Childs, in The Book of Exodus (Philadelphia: Westminster Press, 1974), 174, comes to the conclusion that "all attempts to relate hardness of heart to a psychological state or derive it from a theology of divine causality miss the mark. The motif of hardening in Exodus stems from a specific interpretation of the functions of signs... which continued to fail in their purpose. Hardening was the vocabulary used by the biblical writers to describe the resistance which prevented the

signs from achieving their assigned task. The motif has been consistently over-interpreted by supposing that it arose from a profoundly theological reflection and see-ing it as a problem of free will and predestination."]

Human Responsibility

From free will, we arrive inevitably at human responsibility and the possibility of repentance and forgiveness. God's words to Cain before he commits the ultimate sin of fratricide—v'ata timshal-bo, "yet you can rule over it"—are the rock on which the doctrine of human responsibility is built. While understanding all of the psychological and sociological factors that are involved in antisocial activity, from the petty to the most grave, ultimately people are held responsible for their actions because there comes a moment of choice when "yet you can rule over it." If an individual fails to do so and thereby sins, Judaism still holds out the possibility of change, of repentance. To quote Viktor Frankl again, "Man ... may well change himself, otherwise he would not be man. It is a prerogative of being human, and a constituent of human existence, to be capable of shaping and reshaping oneself. In other words, it is the privilege of man to become guilty, and his responsibility to overcome guilt." [Frankl, Will to Meaning, 73.]

The origin of the concept of repentance—teshuvah, literally "returning"—is found in the book of Deuteronomy. Moses, at the end of his life, foresees that in the future Israel will sin against YHVH and be punished by exile, but "you will return [v'shavial] to YHVH your God" (Deut. 30:2). Therefore, he says, God will "return your captivity and return and gather you from all the nations" (30:3), "for you will return to YHVH your God with all your heart and all your soul" (30:10). The full meaning of teshuvah is ultimately revealed in the speeches of the prophets and in the book of Jonah. Hosea pleads with Israel, "Return, O Israel, to YHVH your God, for you have fallen because of your sin" (14:2). Jeremiah tells them "Return, rebellious children—declares YHVH" (3:14) and pictures them turning again to God: "Here we are, we are come to You" (3:22). The book of Jonah depicts the entire people of Nineveh heeding the word of their king: "Let everyone turn back from his evil ways and from the injustice of which he is guilty. Who knows but that God may turn and relent? He may turn back from His wrath so that we do not perish" (3:8-9).

The idea that God is forgiving was well established by the story of God's revealing His qualities of mercy to Moses, as related in Exodus

34:6-7. Later, Rabbinic Judaism developed the entire concept of the Days of Awe, Rosh Hashanah through Yom Kippur, as a time for confessing sin, admitting guilt, and returning to God in repentance, after which we attain forgiveness and atonement. [See Reuven Hammer, Entering the High Holy Days (Philadelphia: Jewish Publication Society, 1998), for a full discussion of these concepts.]

The Days of Awe celebrate our free will and the responsibility that comes with it. No wonder they became the most sacred time of the Jewish year and the most important of the holy days of Israel. They represent a basic pillar of our belief: humans have free will and freedom of choice.

The Torah begins with free will and ends with free will. It begins with the choices given first to Adam and Eve and later to Cain, to obey God's commands or not to obey. They choose not to. It ends with Moses's speeches to all the Israelites before they enter Canaan, the main burden of which is the choice they now face to be faithful to the covenant and the commandments (Deut. 11:26-28, 27:11-30:20). or not painstakingly points out the choices: between blessing and curse, between life and death. He urges the Israelites to make the right choice. He repeatedly tells them what will happen "if." He speaks to them in terms of "if you will obey" or if you will not. Moses has the Israelites go through an elaborate ceremony at Mount Gerizim, where they hear the curses and the blessings pronounced and answer "Amen" to each. The Hebrew word im, "if," is constantly repeated in his exhortations because the choice is theirs. Nothing is determined. Everything is up to the Israelites. They have free will and cannot be forced to follow God. They must make the choice. Nothing is predestined.

Part III: SOCIETY

9: Human Sovereignty Is Limited

Revolutionary Truth #9:

God is the only true Sovereign. Human sovereigns are subordinate to the laws of God.

Then He became Sovereign in Jeshurun, when the heads of the people assembled, the tribes of Israel together.

Deuteronomy 33:5

And YHVH shall be Sovereign over all the earth: on that day there shall be one YHVH with one name.

Zechariah 14:9

YHVH, enthroned on cherubim, is Sovereign, peoples tremble, the earth quakes.... Mighty Sovereign who loves justice. ..

Psalm 99:1, 99:4

Among the problems that the newly freed slaves had to deal with was the question of polity—who would lead the people now and in the future? How would they be governed? The environment from which they had emerged, the ancient Near East, was a realm in which sovereigns, petty and great, ruled supreme. In Egypt, the sovereigns were more than rulers; they also claimed to be the incarnation of gods. In Mesopotamia, they were divinely appointed and were the source of all law. There is no question that the Torah could never accept the claim of divinity by any human ruler because the boundary between God and human beings was absolute. There might have been room, however, for a human being to rule as the absolute sovereign. That was the common way of the world and, indeed, continued to be so until the twentieth century, when whatever monarchies remained limited. became constitutional monarchies, with the exception of those in the Middle East. But that was not the reality envisioned by the Torah. The concept of rulership taught by Moses was that there was only one Sovereign over Israel—YHVH.

The possibility of appointing a human sovereign is envisioned briefly

in only one book of the Torah, Deuteronomy,

[In all likelihood, the monarchical system in both Israel and Judah already existed when Deuteronomy was written, even if it casts itself as being the words of Moses.]

and even there it is presented only as an option, not as a divine command, and most important, with severe limitations. In general, it would seem that limitation of power was an important component of the new polity that emerged among the Israelites.

The Decentralization of Power

When taking the Israelites out of Egypt and preparing them for independence in their own land, Moses makes no attempt to proclaim himself the sovereign or to propose a system of government in which one man would be sovereign. The Torah recognizes elders as a kind of supreme council as well as n'si'im, heads of clans and tribes (Lev. 4:22), who might come together for important decisions. [See Jacob Milgrom, Leviticus 23-27, Anchor Bible Series (New York: Doubleday, 1991), 247.] The leader is Moses, a prophet directly inspired by God and chosen by God to lead the people. The decisions Moses makes, however, are not his own. They come from the Divine Sovereign with whom Moses consults on every issue. For example, when the daughters of Zelophehad come to Moses to ask that they inherit because their father had no sons, "Moses brought their case before YHVH" and conveyed God's decision (Num. 27:5). Moses's successor, Joshua, is similarly considered to have been chosen by YHVH. Moses's children play no role. No dynasty of leadership is established. Michael Walzer points out that the description of Moses's unknown burial place—"and no one knows his burial place to this day" (Deut. 34:6) — is a deliberate contrast to the Egyptian pharaohs, who began to plan their elaborate burial monuments the moment they assumed office. [Michael Walzer, Exodus and Revolution (New York: Basic Books, 1985), 126.].

The pyramids and the magnificent tombs in the Valley of the Kings testify to the centralization of power and the absolute authority of the monarch. The absence of a tomb for Moses attests to a completely opposite approach to monarchy and power.

When he is about to die, Joshua calls an assembly of the people and its leaders and urges them again to give their total loyalty to God, and as at Sinai, they affirm their willingness to do so. "We will serve YHVH," they proclaim (Josh. 24:21); and again, "We will serve none but YHVH our God, and we will obey none but Him" (Judg. 24:24). As if to emphasize the exclusive Sovereignty of God, when Joshua dies the people choose no successor, and God proclaims none. None is needed. The leaders who had assembled at Joshua's command are sufficient— "elders and commanders, magistrates and officers" (Josh, 24:1). Human leadership

was decentralized and often shared among these groups. [Moshe Greenberg, Studies in the Bible and Jewish Thought (Philadelphia: Jewish Publication Society, 1995), 54.]

Judges arose, not on a regular basis, but called by God as the situation required. God remained the only Sovereign. This is seen most clearly in the story of Gideon, who is told by God that he has been chosen to deliver Israel from the hands of the Midianites (Judg. 6:11-16). When he does so, the Israelites — anticipating what is to happen later at the time of Samuel — beg him to become their sovereign and establish a hereditary sovereignty. "Rule over us — you, your son, and your grandson as well," they plead. Gideon replies, "I will not rule over you myself, nor shall my son rule over you; YHVH shall rule over you!" (Judg. 8:22-23). As Martin Buber characterizes it, "His No, born out of the situation, is intended to count as an unconditional No for all times and historical conditions. For it leads to an unconditional Yes, that of a kingly proclamation in aeternum.... 'YHVH, who is God Himself, He it is who is to rule over you." [Martin Buber, The Kingship of God (New York: Harper and Row, 1967), 59.]

Moses proposed a revolution in the form of governance, deliberately rejecting the forms known to him and preferring one in which no man could aspire to the absolute control that could lead so easily to a divine or semidivine status. As Moshe Greenberg puts it:

In the divinely ordained polity provided for Israel, power is dispersed among the members of society and many devices prevent its accumulation and concentration. The society envisioned in the Torah lacks a strong, prestigious focus of power; on the contrary, dignity and authority are distributed In its aversion to the concentration of power and its tendency to equalize resources among the citizenry, the system of biblical law resembles democracy. [Moshe Greenberg, Studies, 54, 57.]

Israel's New Doctrine of God's Sovereignty

The idea of presenting a pagan god as a sovereign was prevalent in the ancient world, but it was always as a reflection of the human sovereign who actually ruled. In Israel, on the other hand, the doctrine of the Sovereignty of God originated at a time when they did not have a human sovereign and did not desire one, and when none was envisioned for the future. [See Moshe Weinfeld, Deuteronomy and the Deuteronomic School (Oxford: Clarendon Press, 1972), 82.]

In the Song at the Sea, which may have been composed during or after the time of Solomon as a protest against the excesses and hubris of that sovereign,

[See Judah Goldin, The Song at the Sea (Philadelphia: Jewish Publication Society, 1990), 57.]

the poet has Israel proclaim, "YHVH shall reign for ever and ever!" (Exod. 15:18). This is the first time that sovereignty is ascribed to God in the Torah. It serves beautifully as a prelude to the ceremony held at Sinai that is the true acceptance by Israel of God as their eternal Sovereign. That God is to become their Sovereign is implied in Exodus 19:6, when Israel is told that they are to be "a kingdom of priests" to YHVH. [Buber, Kingship, 136.]

A "kingdom" implies a king, a sovereign—in this case YHVH. Their reply—"All that YHVH has spoken we will do!" (Exod. 19:8)—is their acceptance of Gods Sovereignty, which is emphasized again in the demand of the first commandment that "You shall have no other gods besides Me" (Exod. 20:3). Throughout the Torah, the relationship to God is couched in terms that are used elsewhere for the relationship between a human sovereign and his nation. [Weinfeld, Deuteronomic School, 83.]

Just as a human sovereign demands exclusivity, so too the Divine Sovereign requires that there be one and only one ruler over Israel, which in itself excludes the possibility of a human sovereign.

This is recognized throughout the Torah. Even the pagan prophet Balaam proclaims, "YHVH their God is with them, and their Sovereign's acclaim in their midst" (Num. 23:21). In his final blessing to Israel, Moses says, "Then He became Sovereign in Jeshurun, when the heads of the people assembled, the tribes of Israel together" (Deut. 33:5).

Even centuries later, when the Davidic dynasty was already in existence and was considered divinely ordained, the idea of God's ultimate Sovereignty remained. In the book of Psalms, God's Sovereignly is often celebrated: "YHVH is Sovereign, He is robed in grandeur" (Ps. 93:1). [See also Psalms 22:29, 95:3, 96:10, 97:1, 99:1, and 99:4.]

Much later the prophets, envisioning apocalyptic events leading to the ultimate goal of one humanity living in peace, saw it as the time when God's Sovereignty would be recognized and proclaimed by all: "And YHVH shall be Sovereign over all the earth: on that day there shall be one YHVH with one name" (Zech. 14:9). "For liberators shall march up on Mount Zion to wreak judgment on Mount Esau, and the Sovereignly shall be YHVH's" (Obad. 1:21). In later Judaism this concept of the Sovereignty of God was made the subject of the well-known *Aleinu* prayer that concludes every worship service: "You will perfect the world by Your Sovereignty."

According to Deuteronomy, in one of his orations to the nation before it is to enter Canaan, Moses says:

If, after you have entered the land that YHVH your God has assigned to you, and taken possession of it and settled in it, you decide, 'I will set a sovereign over me, as do all the nations about me,' you may set a sovereign over yourself whom YHVH your God will choose; set over you a sovereign from among your own people; you must not set a foreigner over you, one who is not your kinsman.

(Deut. 17:14-15)

In other books of the Torah, there is not even a hint that a sovereign would be chosen. [There are two passages in Genesis in which the patriarchs are promised that "sovereigns will emerge from you"—Genesis 17:6 and 35:11. Martin Buber believes these sections to have originated after the Davidic dynasty was established. See his discussion

of this issue in The Kingship of God, 40ff. The fact remains that other than in Deuteronomy, there are no laws indicating sovereigns are to be appointed at any time.]

In all likelihood, by the time Deuteronomy was composed both Judah and Israel had long-established monarchies that ruled. .

[See Jeffrey H. Tigay, The JPS Torah Commentary; Deuteronomy (Philadelphia: Jewish Publication Society, 1996), xxiiff.]

The wording of this pericope echoes and was undoubtedly influenced by the tradition recorded in 1 Samuel 8, in which the elders of Israel come to the elderly Samuel to complain that his sons, whom he had appointed in his place, were not worthy "Therefore appoint a sovereign for us, to govern us *like all the* nations' (1 Sam. 8:5). [Italics mine.]

The story has an aura of truth. It must have been an embarrassment to the sovereigns of Israel because it speaks so negatively about sovereigns and what they will do and because God considers this request to be a rejection not of Samuel but of God's own rulership, a continuation of the acts of rebellion that had taken place ever since the Exodus from Egypt. "It is not you that they have rejected; it is Me they have rejected as their Sovereign" (1 Sam, 8:7). God permits Samuel to accede to the elders' demands but instructs him to warn the people about what a sovereign is likely to do. He will conscript their sons and make them tend to his fields and his weaponry. He will take their daughters and make them domestic servants. He will confiscate their properly and give it to his own courtiers, tax them so that "you shall become his slaves." God concludes with a dire warning that "the day will come when you cry out because of the sovereign whom you yourselves have chosen; and YHVH will not answer you on that day" (1 Sam. 8:11-18). Never has there been a more negative assessment of the monarchy, one that proved to be too true not only about Israelite sovereigns but also about tyrannical sovereigns throughout human history. They nevertheless insist on a sovereign because they want to "be like all the other nations: Let our sovereign rule over us and go out at our head and fight our battles" (1 Sam. 8:20). Samuel then receives final permission from God to appoint a sovereign. The very fact that Samuel does not seem to know that Deuteronomy had already given the green light to the appointment of a sovereign is proof enough that such a law was not known at that time.

Unlike Samuel, who warns the people against a sovereign, realistically listing what a sovereign would do, Deuteronomy lakes a softer approach. It gives permission in advance, although not recommending it, but then sets certain conditions and limitations on the powers of the sovereign. Deuteronomy grudgingly accepts the reality of a monarchy but wants to make certain that its authority is limited. The sovereign is not allowed to have large numbers of horses or to send people back to Egypt to attain them. He is not to have many wives. He is not to amass silver and gold (Deut. 17:16-17). All of these limitations sound suspiciously as if they were aimed at the notorious actions of Solomon, as described in 1 Kings 11:9: "YHVH was angry with Solomon, because his heart turned away from YHVH, the God of Israel, who had appeared to him twice and had commanded him about this matter, not to follow other gods; he did not obey what YHVH had commanded."

Limitations of Human Sovereignty

The sovereign of Israel was by no means absolute and resembled the kind of constitutional monarchy that became common much later in the Western world.

These limitations were "unparalleled in antiquity," according to Moshe Greenberg. [Greenberg, Studies, 54.]

As if to emphasize them, the sovereign is required to have with him at all times a scroll of God's word written especially for him, which he is to read and observe "so that he will not act haughtily toward his fellows" (Deut. 17:18-20). He is to be something that is almost unheard of—a humble monarch. Deuteronomy does not spell out any powers he may have or any duties other than observing faithfully every word of "this Teaching" (17:18). The absence of any job description for the sovereign is very strange. We know what the priests and Levites are to do. We know what judges and officers do. We have no idea what the duties and the rights of the sovereign are, only the prohibitions. At the most, Deuteronomy offers a halfhearted endorsement of the monarchy, behind which is hidden the feeling that this is at best unnecessary and at worst harmful. [In his seminal work on Deuteronomy, Moshe Weinfeld takes a different point of view. He believes that the Deuteronomist has a positive attitude toward the monarchy and that his restrictions were directed at Solomon's excesses. Weinfeld points out that the end of the section on sovereigns mentions that if the sovereign is faithful to God's teaching, then "he and his descendants may reign long in the midst of Israel"; see Deuteronomic School, 169. Weinfeld accepts, however, that the idea of a human sovereign was not found in the Torah or in reality before the time of Samuel and was in contradiction to the Mosaic ideal of the Sovereignty of God.1

In truth, as God's words to Samuel make clear, the monarchy is a betrayal of the original concept of the Torah: the Sovereign of Israel is God and God alone.

The monarchy came into being in the tenth century BCE as a response to the dangerous situation that existed, the threat of the powerful Philistine cities to conquer the Israelites and their land. The people felt, and perhaps with a measure of justification, that they needed a reliable system of leadership, with no gaps in between rulers. They saw the system of monarchy in the surrounding nations as an example of the structure that they required. They did not see it, as did both God and Samuel, as a rejection of God's sovereignty. Seeking to have both a human sovereign and a Divine Sovereign, the Israelites developed the doctrine that the house of David was itself chosen by God and therefore legitimate. Generations later, when the Davidic dynasty no longer ruled, they envisioned it as the source of the Messiah, the anointed sovereign, who would lead the Jews back to sovereignty and the whole world to an unprecedented time of peace.

The Accumulation of Power

The establishment of a human monarchy had all the negative consequences that Samuel had envisioned and more. Perhaps it was inevitable; a monarchy by its very nature requires a concentration of power and of wealth. It establishes a bureaucracy of officials, some of whom—hopefully not all—will be corrupt and will use their power to enhance their own wealth and property. Even if the sovereign himself is well intentioned, which was not always the case, others may not be. Greenberg notes, "The policy of the monarchy subordinated the ideal of becoming a holy nation to the achievement of national prestige and security. It was concerned with building up the military and establishing alliances with powerful neighbors. In the end, it subverted the institutions of religion into instruments of royal policy." [Greenberg, Studies, 59.].

The limitations that Deuteronomy sought to place on the sovereign may not have eliminated all the problems of a human monarchy, but they did have the effect of making the sovereign subordinate to God and to God's teaching, at least in theory if not always in practice. These limitations also gave unprecedented rights to those who spoke in the name of God to criticize and chastise the sovereign for moral wrongs and for disobeying God's command. In that way, at least, God remained Sovereign. Samuel removes Saul as sovereign on that basis (1 Sam. 15:22-31), and Saul's successor, David, is castigated by Nathan for a terrible sin (2 Sam. 12:1-14). Although Hittite sovereigns had limited authority—there is even a document from Babylon between 1000 and 700 BCE in which a prince is warned of dire consequences if he does not uphold certain treaties and rights

[W G. Lambert, Babylonian Wisdom Literature (Oxford: Clarendon Press, 1967), 1121 T. J. J. Finkelstein, "Mesopotamian Historiography," Proceedings of the American Philosophical Society 107, no. 6 (1963): 472, points out that this document uses the terminology of omen texts, which are texts that predict what will happen based on omens. Thus, based on what has happened in the past when certain omens appear, the prince knows that these actions will have dire consequences. This

seems very different from direct confrontation between a prophet and a monarch over the monarch's immoral action.]

— it is difficult to imagine another nation in which one could with impunity stand up to the sovereign with an accusing finger and say, "That man is you!" as Nathan does to David (2 Sam. 12:7), to which the sovereign replies, "I stand guilty before YHVH!" (2 Sam. 12:13).

That this tradition was a reality in ancient Israel can be seen in the story of Elijah and King Ahab, where Elijah proclaims Ahab's guilt and his death in the matter of Naboth's vineyard (1 Kings 21:17-24). Like David, Ahab reacts by doing penance for what he has done (1 Kings 21:27). The classical prophets Amos and Jeremiah are similarly courageous in both their criticism of the entire society and their predictions of doom and destruction, although they do not specifically single out the sovereign. The priest of the temple at Bethel calls on King Jeroboam to punish Amos, accusing the prophet of treason (Amos 7:10-11). Jeroboam's reaction is not recorded, but Amaziah banishes Amos and forbids him from prophesying at Bethel (Amos 7:12). At least Amos is not executed, which is a tribute to the freedom of speech accorded prophets, even if in this instance it may have been curtailed.

Some two centuries later, Jeremiah follows Amos's pattern and predicts the destruction of both Jerusalem and the Kingdom of Judah, and the exile of the people. He declares that the Temple has been turned into a "den of thieves" (Jer. 7:11). Nothing is done to stop him from speaking in God's name. Later, King Jehoiakim attempts to have Jeremiah imprisoned but does not succeed (Jer. 36:26). Toward the end of the siege of Jerusalem, King Zedekiah imprisons Jeremiah in the palace compound but does not dare to execute him. The king permits palace officials to place Jeremiah in a mud pit, with no water, to die of hunger-Zedekiah does not dare execute Jeremiah outright-but is then persuaded to release the prophet once again. Jeremiah remains in the prison until the capture of Jerusalem (Jeremiah 37-38). Considering the total power that sovereigns had, the restraint of these monarchs of Israel and Judah can only be attributed to the way in which the passage in Deuteronomy limited their authority and placed God and God's word above the power of the monarchy.

Moses's original plan of a nation ruled by God alone proved too

utopian and too impractical to survive the reality of a world of rival kingdoms and empires, but the ideal presented had its lasting effects by limiting the power of sovereigns and elevating the law above the will of any ruler. If these ideas had any effect on human civilization, and I believe they did, it came through the doctrines taught in the Torah that became the heritage of the civilized world.

13: The Needy Must Be Cared For

Revolutionary Truth #13:

Concern for the weaker elements of society, the impoverished, the needy, the widow, the orphan, and the stranger.

For YHVH your God ... shows no favor and takes no bribe, but upholds the cause of the fatherless and the widow, and befriends the stranger, providing him with food and clothing. You too must befriend the stranger, for you were strangers in the land of Egypt.

Deuteronomy 10:17-19

Ah, you who trample the heads of the poor into the dust of the ground, And make the humble walk a twisted course!

Amos 2:7

What is the responsibility of a society toward its neediest members, toward those who are poverty stricken or cannot care for themselves?

The Torah's answer is unequivocal: society must provide them with protection and help them in their time of need. Every one of the legal codes of the Torah speaks of the need to care for the poor and the stranger. Furthermore, according to the Torah, those unfortunates in need of help are under the direct protection of God. Caring for them is not an act of charity but an act of righteousness, fulfilling God's demands.

Even more striking is the fact that this revolutionary idea is based on the conception of a society of equals, a society without class divisions in which even the neediest is termed "your brother," your kinsman. Moses, the leader of this group of former slaves, has a remarkable vision of a society in which the needs of all will be met and in which each individual will feel responsibility toward others. This is made crystal clear in Leviticus in a command addressed to each Israelite individually in the singular: "If your brother, being in straits, comes under your authority, and you hold him as though a resident alien, let him live with you. Do not exact from him advance or accrued interest, but fear your God and let your brother live with you" (Lev. 25:35-36). The following section

(25:39IT.), dealing with one who has to sell himself into indentured servitude because of poverty, begins the same way: "If your brother, being in straits...Three times the term "your brother" is repeated. Each Israelite is "your brother," your kin, even when not related specifically to your family. For the sensitive reader, the use of that term cannot help but recall the story of Cain and Abel, where Cain replies to God's cry, "Where is your brother Abel?" with the words, "Am I my brother's keeper?" (Gen. 4:9). The answer, unequivocally, is "Yes!" Whatever you would feel obligated to do for your brother or your sister, you must do for any member of the nation. The Torah strives to create a society of equals, of brothers and sisters, a revolutionary idea unknown elsewhere in the ancient Near East.

Of course, it would be an exaggeration to contend that ancient Israel was a completely classless society. The Levites and the kohanim (priests) were special groups having a singular status, with certain rights but also with special responsibilities. Nevertheless, the society envisioned in the Torah and that existed until the establishment of the kingship was—again with the exception of the Levites and kohanim—a society with no class divisions. As for the Levites and priests, unlike all other Israelites, they had no land. Therefore, as we have seen, they were granted tithes to enable them to live, but the laws gave them no other special privileges, and there was no intention of creating in them a class of nobility or an attempt at making them wealthy at the expense of others. Contrast this to the way in which Joseph saw to it that Pharaoh owned all the land in Egypt and received one-fifth of all the harvests. Only the Egyptian priests continued to hold their own land (Gen. 47:22-26). There were no nobles and, as we have seen earlier, no slaves among the Israelites, only indentured servitude.

In translating the famous Babylonian Code of Hammurabi (1728-1686 BCE), Theophile J. Meek constantly translates the word owelum as "seignior" — "If a seignior...." He explains that the word literally means "man" but in the legal literature "sometimes indicates a man of the higher class, a noble." Therefore, he uses the term seignior from Italian and Spanish, where it indicates "a free man of standing, and not in the strict feudal sense, although the ancient Near East did have something approximating the feudal system and that is another reason for using 'seignior." The Babylonian system had different laws for different classes.

In laws 196-208 in the code, for example, the laws and penalties for offenses against aristocracy are different from those for offenses against commoners. The Torah has nothing of that sort, nor does it have an equivalent term, because there was no such feudal system or group of nobles in ancient Israel. Most important, the laws of the Torah were the same for all Israelites, rich and poor alike, and showed great sensitivity to the helpless and downtrodden in Israeli society.' It constantly singled out four different groups for special protection and care: the poor, the widow, the orphan, and the "stranger," that is, the non-Israelite who resided in the land.

It was not until the American Revolution that the Western world had a society free of class distinctions, something the Torah had envisioned nearly three thousand years before, and even then there was the notorious exception of black slaves.

The words spoken by the Statue of Liberty in Emma Lazarus's poem "The New Colossus" express the spirit of America, rejecting the class system of Europe:

"Keep, ancient lands, your storied pomp!' cries she With silent lips. "Give me your tired, your poor, Your huddled masses yearning to breathe free, The wretched refuse of your teeming shore, Send these, the homeless, tempest-tossed to me, I lift my lamp beside the golden door!"

Unfortunately, America has not always lived up to these words, as seen in selective immigration laws in the 1920s and in the dark days of the Second World War when it rejected Jewish refugees. The poem has always served as an inspiration and a hope rather than a description of reality.

Provisions for the Needy

Concern for these needy groups, those "wretched masses," if you will, appears first in the legal code of Exodus. Within a few consecutive verses the four groups needing protection are mentioned:

You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt. You shall not ill-treat any widow or orphan. If you do mistreat them, 1 will heed their outcry as soon as they cry out to Me, and My anger shall blaze forth and I will put you to the sword, and your own wives shall become widows and your children orphans. If you lend money to My people, to the poor among you, do not act toward them as a creditor; exact no interest from them. If you take your neighbor's garment in pledge, you must return it to him before the sun sets; it is his only clothing, the sole covering for his skin. In what else shall he sleep? Therefore, if he cries out to Me, I will pay heed, for I am compassionate. (Exod. 22:20-26)

In their interpretations of these verses, the Sages defined "wrong" as verbal and emotional abuse and "oppress" as defrauding in monetary matters: You shall not wrong the stranger with words. Neither shall you oppress him—in money matters.

These seven verses compose an unparalleled credo of concern for the wretched and the needy, a compassionate call expressing God's care for those who cannot care for themselves. To further emphasize the concern for the stranger, a similar idea is found in the very next chapter: "You shall not oppress a stranger, for you know the feelings of the stranger, having yourselves been strangers in the land of Egypt" (Exod. 23:9).

The ger—the resident alien—benefits from the regulations of the community, sharing, for example, in the gleanings left for the poor (Lev. 19:10, 23:22). Deuteronomy also classifies the ger together with other defenseless members of society, the fatherless, and the widow, who are entitled to receive the tithe of the third and sixth year of each cycle (Deut. 14:29).

In general, the Torah classifies the stranger, that is, the resident alien,

together with those who are needy, as in Deuteronomy 24:14-15: "You shall not abuse a needy and destitute laborer, whether a fellow countryman or a stranger.... You must pay him his wages on the same day, before the sun sets, for he is needy and urgently depends on it; else he will cry to YHVH against you and you will incur guilt." YHVH will hear the cry of the stranger equally with that of the Israelite. There is also the possibility that the stranger may prosper, even to the extent of being able to purchase a native Israelite as an indentured servant (Lev 25:47).

The Holiness Code in Leviticus equates the stranger to the native: "When a stranger resides with you in your land, you shall not wrong him. The stranger who resides with you shall be to you as one of your citizens; you shall love him as yourself, for you were strangers in the land of Egypt: I YHVH am your God" (Lev. 19:33-34).

Leviticus, which commands us to love our fellow, makes a special provision for the stranger—who is really not our fellow. He is "the other." The "stranger" in the Torah is someone who lives in the land as a resident, not merely someone passing through. As an alien, not a citizen, his rights were not always identical with the native Israelite. Abraham identifies himself as being such a stranger when he attempts to buy a burial place for Sarah: "I am a resident alien among you; sell me a burial site among you," says Abraham (Gen. 23:4). As a resident alien, a ger v'toshuv, he has no right to purchase land. Therefore, he must implore the Hittites to make an exception for him.

Leviticus also bestows on the stranger and the poor, connecting two of the downtrodden groups, the rights to portions of the harvest. In an agricultural society, such rights were the difference between life and starvation. These laws are found first in Leviticus 19:9-10 and then repeated in 23:22. Four different products are to be left for the poor and the stranger: pe'ah—the comers of the grain field; lekel—the gleanings that fall to the ground when the grain is harvested; olelot—grape clusters not fully grown; and peret—fruit that falls to the ground. "You shall leave them for the poor and the stranger: I YHVH am your God" (Lev. 19:10, 23:22). The book of Ruth describes exactly this situation. Ruth, who is destitute and helping to provide for her mother-in-law, Naomi, goes into the fields of the wealthy Boaz to glean in the field behind the reapers (Ruth 2:3). The result is well known.

These laws concerning the harvest are repeated again in Deuteronomy

24:19-22. Here, too, these portions belong "to the stranger, the fatherless, and the widow" because we were slaves "in the land of Egypt." Later, Rabbinic law delineated exactly how much should be left for them and considered it a most important commandment that everyone should be anxious to fulfill.

When the theme of the stranger is taken up by Deuteronomy, it requires the judicial system to protect the rights of the stranger and "decide justly between any man and a fellow Israelite or a stranger" (Deut. 1:16). "For YHVH your God ... upholds the cause of the fatherless and the widow, and befriends the stranger, providing him with food and clothing. You too must befriend the stranger, for you were strangers in the land of Egypt" (Deut. 10:17-19).

As Sama points out, "Because |the stranger] could not fall back upon local family and clan ties, he lacked the social and legal protection that these ordinarily afforded. Being dependent on the goodwill of others, he could easily fall victim to discrimination and exploitation." They were easy victims of economic exploitation, the deprivation of property, or denial of legal rights. Therefore, the Torah provides for their protection.

Tigay, noting the many limes this idea is expressed in the Torah, states, "Concern for the protection of strangers was not nearly so common elsewhere in the ancient Near East. The only passages I have noted are in the Egyptian wisdom text Amenemopel, chap. 28."

The Torah prohibits the stranger from doing things that would render the land unclean, including the worship of idols. It permits him to participate in some acts of worship of YHVH if he so desires but does not require him to do so. Above all, it protects him and helps him when needy." As mentioned above, the Torah itself ascribes this sensitivity to the alien to the fact that the Israelites themselves had been aliens in Egypt and therefore know from bitter experience what it means to be a stranger: "When a stranger resides with you in your land, you shall not wrong him. The stranger who resides with you shall be to you as one of your citizens; you shall love him as yourself, for you were strangers in the land of Egypt: I YHVH am your God" (Lev. 19:33-34). This remarkable passage goes beyond law in requiring the Israelite to refrain from any wrong, that is, economic exploitation, to the stranger, by also demanding that just as you must act lovingly to your fellow (Lev. 19:18), so you must act lovingly to the stranger—both because you have experienced exactly

the opposite in Egypt and because God commands it. The experience of Egypt served to sensitize Israelites to the plight of the stranger and taught them not to treat the stranger as they had been treated. But the ideological basis that made this possible was the teaching embodied in the story of creation— that all human beings are brothers, the children of one human father and mother as well as the children of one God.

Israel's Humble Origins

These vulnerable groups—the stranger, the widow, the orphan, the poor—are all under God's special protection. The reasons for their care were also summed up in these verses as well as elsewhere: the experience of being a helpless stranger in Egypt should cause you to care for the stranger in your midst. Israel was not ashamed of its humble origins as wanderers and slaves. On the contrary, each person bringing his first fruits to God had to declare:

My father was a fugitive Aramean. He went down to Egypt with meager numbers and sojourned there; but there he became a great and very populous nation. The Egyptians dealt harshly with us and oppressed us; they imposed heavy labor upon us.

We cried to YHVH, the God of our fathers, and YHVH heard our plea and saw our plight, our misery, and our oppression. YHVH freed us from Egypt by a mighty hand.

(Deut. 26:5-8)

These verses later were incorporated into the Passover Haggadah as well. This experience of misery and oppression as strangers in a strange land form the very basis for sensitive treatment of strangers and those in need. Israel's ethical treatment of others is a direct result of its own suffering.

In matters of justice, Exodus similarly warns Israel, "Do not subvert the rights of your needy in their disputes" (Exod. 23:6). The Torah also emphasizes that God heeds the cry of the widow and the orphan as well as the cry of the poor; God is compassionate and has no tolerance for injustice. In the words of Nahum Sama, "Social evil is thus a sin against humanity and God."

As the philosopher of post-Holocaust Judaism Emil Fackenheim writes, "But who except Jews (and following them, Christians) has ever heard of a God loving widows and orphans? A God (or gods) loving heroes, sages, and martyrs one has heard of. All these, however—the martyrs included—are winners. Widows and orphans, in contrast, are losers ... the stranger is the third in the trinity of losers, beloved of the God of Israel."

In Deuteronomy, beginning with chapter 19, Moses presents the people of Israel with a lengthy series of laws that they are to follow when they enter the Land of Canaan. Some reiterate laws previously stated; some are new. Several concern proper treatment of the needy and are phrased with more than simple legal terminology. Rather, they demonstrate a deep and passionate concern for the underprivileged in society. Because Deuteronomy is generally considered to be a work that was basically edited during the latter days of the kingdom, in the seventh century BCE or even later, when society had become much more complex and polarized into haves and have-nots, the rhetoric of the book very likely reflects this prophetic concern.

The Prohibition Against Taking Interest

The Torah makes a differentiation concerning foreigners in regard to taking interest on loans. Taking interest from "your brother" is prohibited in Leviticus 25:36 and in Deuteronomy 23:20, where the law specifies that "you may deduct interest from loans to foreigners" (Deut. 23:21). Here, the word for "foreigner" is not ger but *nochri*. The distinction between the two is that the ger is a resident, dwelling in the land, while the *nochri* is a foreigner who is only temporarily there. Because the ger is not specifically mentioned, we can assume that interest was not to be taken from him. The nochri-ioreigner, on the other hand, is not part of the society and therefore does not benefit from the general financial and welfare regulations of the Israelite way of life. Ezekiel, in proposing laws for the postexilic community, seems to have condemned taking interest from anyone (Ezek. 18:8, 18:13, 18:17).

The prohibition against taking interest first found in Exodus 22:24 is repeated in Deuteronomy 23:20, "You shall not require interest from loans to your countrymen." The rule concludes, "so that YHVH may bless you in all your undertakings in the land that you are about to enter and possess" (Deut. 23:21). Though it may seem difficult to lend money and not receive anything back except the original sum, God will compensate you for that by giving you a great blessing.

Although Greek philosophers opposed interest and in early Rome it was sometimes forbidden, this complete prohibition against taking interest "whether in money or food or anything else that can be deducted as interest" (Deut. 23:20) is unique to the Torah. Mesopotamian law specifies interest with rates as high as 33 percent. Taking a pledge was permitted; however, even there sensitivity was to be shown: "If he is a needy man, you shall not go to sleep in his pledge; you must return the pledge to him at sundown, that he may sleep in his cloth and bless you" (Deut. 24:12—13). Again, a blessing will come to those who treat the needy well. That taking a garment actually occurred is seen in the references to it in Proverbs 20:16 and 27:13 and in Job 22:6, as well as in the prophet Amos's denunciation of the activity: "They recline by every altar in garments taken in pledge" (2:8).

The prohibition against taking interest was suitable for an agricultural

society, but less so for one that reflected the commerce of an urban society. Nevertheless, Deuteronomy makes no concessions on this matter, something that later Jewish law had to take into account.

Deuteronomy repeats a labor regulation appearing in Leviticus 19:13 that requires payment of wages on the very same day that the work takes place and adds that it must be done before sunset, applying it specifically to "a needy and destitute laborer." In this regulation, as in many others on similar subjects in Deuteronomy, God's passionate concern for the underprivileged breaks out of the legal formulation in startling force: "You shall not abuse a needy and destitute laborer, whether a fellow countryman or a stranger in one of the communities of your land ... for he is needy and urgently depends on it; else he will cry to YHVH against you and you will incur guilt!" (Deut. 24:14-15).

Deuteronomy requires the judicial system to protect the rights of the stranger. Moses relates that when he appointed heads for the groups of Israelites in the desert, he specifically commanded them to "decide justly between any man and a fellow Israelite or a stranger" (Deut. 1:16). Deuteronomy 24:17 teaches, "You shall not subvert the rights of the stranger or the fatherless; you shall not take a widow's garment in pawn"—and again gives the experience of Egyptian slavery as the reason for care for these unfortunate people: "Remember that you were a slave in Egypt and that YHVH your God redeemed you from there; therefore do I enjoin you to observe this commandment" (Deut. 24:18).

Deuteronomy also requires that every third year of the seven-year cycle of sabbatical years, tithes be given for the benefit of "the Levite, who has no hereditary portion as you have, and the stranger, the fatherless, and the widow," who will then "come and eat their fill, so that YHVH your God may bless you in all the enterprises you undertake" (Deut. 14:29). This command is repeated in Deuteronomy 26:12, together with a declaration that the giver is to make a declaration "before YHVH your God," probably meaning at the Temple in Jerusalem, although the tithe itself will already have been offered at his hometown. The declaration attests that he has followed all the commandments and has given the tithe "to the Levite, the stranger, the fatherless, and the widow, just as You commanded me" (Deut. 26:13). As discussed in chapter 11, these tithes were a kind of tax paid by each landowning fanner for the welfare of those in need, those without their own land. In addition to receiving

these tithes, the needy were specifically granted the right to eat produce that grew freely during the seventh year, the sabbatical year (Exod. 23:10-11).

Deuteronomy also warns Israel not to refrain from lending money to the needy when the seventh year is near, given that in the seventh year all debts were forgiven. In an exhortation that cannot be legally enforced but appeals to the conscience of each person, Moses says to the Israelites, "Do not harden your heart and shut your hand against your needy kinsman. Rather, you must open your hand and lend him sufficient for whatever he needs. .. Give to him readily and have no regrets when you do so, for in return YHVH your God will bless you.... For there will never cease to be needy ones in your land, which is why I command you: open your hand to the poor and needy kinsman in your land" (Deut. 15:7-11).

Concern for the Needy in Biblical Books

The Torah's profound concern for the needy—those Victor Hugo called *les* miserables—made an indelible impact on Israelite society and was echoed repeatedly in later books of the Bible as well. In the psalms, many of which were recited in the Temple itself, God is described as one who "secures justice for those who are wronged, gives food to the hungry ... makes those who are bent stand upright ... watches over the stranger, gives courage to the orphan and widow' (Ps. 146:7-9). In Psalm 35:10, God is the one who saves "the poor from one stronger than he, the poor and needy from his despoiler." A wicked man is described there as someone who "was not minded to act kindly, and hounded to death the poor and needy man, one crushed in spirit" (Ps. 109:16). Similarly, in Psalm 82:3-4 we read, "Judge the wretched and the orphan, vindicate the lowly and the poor, rescue the wretched and the needy; save them from the hand of the wicked." Of particular significance is Psalm 94, in which the psalmist, sounding more like a prophet than a poet, addresses God directly, asking how long God will suffer the wicked to flaunt their arrogant ways (vv. 1-4). "They crush Your people, O YHVH, they afflict Your very own; they kill the widow and the stranger; they murder the fatherless' (w. 5-6). The widow, the orphan, and the stranger are once again singled out as those needing God's protection; here, however, the enemy is not some foreign nation but the wicked within the community of Israel itself! The psalm concludes with an assertion of faith that "YHVH our God will annihilate them" (v. 23).

Another book of wisdom literature. Proverbs, reiterates these same themes, repeating the Torah's assertion that God takes a special interest in the needy and will defend them against their oppressors: "Do not rob the wretched because he is wretched; do not crush the poor man in the gate; for YHVH will take up their cause and despoil those who despoil them of life (Prov. 22:22-23). Similarly, in Proverbs 23:10-11, we are warned, "Do not encroach upon the field of orphans, for they have a mighty Kinsman, and He will surely take up their cause with you."

Did the people of Israel and the aristocracy of the monarchy and the wealthy that arose in the kingdoms of Israel and Judah from the time of David onward observe the Torah's laws and adjurations to protect the needy and weak in their societies? Did the rise of a more urbanized and sophisticated society also bring with it the disintegration of the morality that Moses had taught, the dream of a classless society in which the care of the needy was a central pillar of its morality? It would seem so. The proof is found in the words of the classical prophets, who warned of the fall of Israel and Judah because of their sins. As we have seen, they emphasized moral transgressions over ritual ones, and among those moral transgressions they singled out oppression of the poor, the widow and orphan, and the stranger as a primary cause of the coming calamity.

In the eighth century BCE, Amos, prophesying the doom of the northern kingdom, Israel, castigated the society and its rulers "because they have sold for silver those whose cause was just, and the needy for a pair of sandals. Ah! You who trample the heads of the poor into the dust of the ground and make the humble walk a twisted course" (Amos 2:6-7): "You who devour the needy, annihilating the poor of the land" (Amos 8:4); those who say, "We will buy the poor for silver, the needy for a pair of sandals" (Amos 8:6). Another one of their sins was to "impose a tax on the poor and exact from him a levy of grain" (Amos 5:11). As Yehezkel Kaufmann remarks, Amos is the first prophet to point to these everyday social sins as the decisive factor in national destiny and to make it clear that it was the ruling class that was involved.

Amos describes an all too distressingly familiar society of wealth and decadence in which the upper classes indulge themselves in luxurious homes, drinking, and carousing, all the while oppressing the poor. The gap between the rich and the poor is enormous, a situation that is one of today's greatest social problems, particularly acute in both America and Israel. This gap is also found today between nations—the haves and the have-nots, creating a situation that in the long run is no more sustainable today than it was when Amos described it.

Other prophets followed Amos's path. Second Isaiah also blamed the ruling classes for their corruption and their oppression of the downtrodden. What must be done to regain God's favor is "to share your bread with the hungry, and to take the wretched poor into your home; when you see the naked, to clothe them, and not to ignore your own flesh" (Isa. 58:5-7).

Jeremiah, living at the time of the Babylonian conquest, denounced Judean society as a whole for lack of justice. The people will be saved only "if you execute justice between one man and another; if you do not oppress the stranger, the orphan, and the widow; if you do not shed the blood of the innocent in this place; if you do not follow other gods' (Jer. 7:5-6).

Ezekiel, living among the exiles in Babylonia, blamed the destruction on the fact that they "did not support the poor and the needy" (Ezek. 16:49). His definition of a righteous man includes "if he has given bread to the hungry and clothed the naked; if he has not lent at advance interest or exacted accrued interest" (Ezek. 18:7-8); the wicked, Ezekiel admonishes, "has wronged the poor and the needy ... has lent at advance interest, or exacted accrued interest" (Ezek, 18:12-13).

Zechariah, who prophesied to the returnees to Zion, warned them not to act as their ancestors had, conduct that brought about the exile: "Do not defraud the widow, the orphan, the stranger, and the poor" (Zech. 7:10).

Exactly how corrupt were the ancient societies in which the prophets spoke? It may be, as Kaufmann contends, that there was a certain amount of exaggeration in these accusations and that Israel and Judah were no worse in their treatment of the poor than were other societies, including Babylon. "Nothing suggests that the extent of Judah's corruption was abnormal; it was surely no more than its conqueror." Yet for the prophets, Israel's existence was not to be measured by what others did, but by how faithful Israel was to the terms of its covenant with God, the first and foremost measure of which was social justice. "The things that horrified the prophets are even now daily occurrences all over the world.... Prophecy is the voice that God has lent to the silent agony, a voice to the plundered poor.... In the prophet's message nothing that has bearing upon good and evil is small or trite in the eyes of God."

The Torah's concern with the weaker members of society has left an abiding mark on Jewish life and the formulation of the Jewish community to this day. It is not accidental that at the Sabbath table. Proverbs 31, praising the woman of valor, is read aloud. It includes the words "She gives generously to the poor; her hands are stretched out to the needy" (v. 20). During the time of the Mishnah, the Jewish community made provisions for the poor such as the *tamchuy*, a kind of soup kitchen where food was distributed daily to the needy. In *Mishnah Pesachim* 10:1, we read that for Passover everyone must have four cups of

wine for the seder, "even if he receives it from the *tamchuy*.' No one would starve in a Jewish community unless the community was completely without resources. No one would have to steal a piece of bread to avoid starvation, as did Victor Hugo's Jean Valjean in *Les Miserables*. No one would spend years in a debtors' prison for nonpayment of debt, as Charles Dickens described in his work of social protest. *Little Dorrit*.

In the Middle Ages, Maimonides, or Rambam, taught that there are eight degrees of charily. They range from one who gives grudgingly to one who "assists a poor Jew by providing him with a gift or loan or by accepting him into a business partnership or by helping him find employment—in a word, by putting him where he can dispense with other people's aid."

In their book about life in the European shtetl—the Eastern European little town that existed until the Holocaust—anthropologists Mark Zborowski and Elizabeth Herzog describe the way in which charity played a major role:

Life in the shtetl begins and ends with tsdokeh [charity I. When a child is born, the father pledges a certain amount of money for distribution to the poor. At a funeral the mourners distribute coins to the beggars who swarm the cemetery, chanting "Tsdokeh will save from death."

At every turn during one's life, the reminder to give is present. At the circumcision ceremony, the boy consecrated to the Covenant is specifically dedicated to good deeds. Each celebration, every holiday is accompanied by gifts to the needy.

Each house has its round tin box into which coins are dropped for the support of various good works.... Before lighting the Sabbath candles, the housewife drops a coin into one of the boxes.... Children are trained to the habit of giving.... The "social justice" of the shtetl is not wholly voluntary and not wholly individual... it is firmly woven into the organization of the community.

In one of Moses's discourses mentioned above (Deut. 15:4-11), there is the strange anomaly of his beginning with the assertion that "there shall be no needy among you" because YHVH will bless the Israelites in their land *ij*—and what a big "if" it is—they will follow God's ways; he concludes by telling them how to help the needy, "for there will never cease to be needy ones in your land." The utopia that Moses would like to create, where "there shall be no needy among you," is unattainable. It

gives way to the reality of a world in which "there will never cease to be needy ones in your land." Realistically speaking, we can hope for the elimination of poverty but must do everything possible to deal with the reality of it. In this manner, we can at least say that we have not ignored those in need but have provided for them and, following the Rambam, have done what we can to make them able to sustain themselves.

In the end, every nation and every people will be judged by the way in which it treats those who are in need of help and protection.

Does it throw them away onto the dust heap, or does it help them to raise themselves, "lifting up those who are cast down"?

The Torah's position is very clear. A society that does not care for those who are in need violates the will of God, who hears their cry and whose special care and protection are extended to them.

#AFTERWORD

The Legacy of Moses

Moses emerged from a world of great sophistication; a world rich in artistic achievements, in architecture, literature, and statecraft; a world filled with highly developed religious beliefs and elaborate rites of worship, He also inherited from his Mesopotamian ancestors an appreciation of simplicity, a disdain for cruelty, a love of righteousness and mercy, a dedication to "the God of our fathers," and a rejection of the world of myth. In the conflict between these two worldviews, we can see the raw material from which Moses created his new understanding of the world.

Although brought up in an Egyptian environment as a free man, perhaps even enjoying the privileges and education of the nobility, he was always aware of his brothers, the Hebrew slaves, and of their suffering. He endangered himself on their behalf and had to flee for his life. He returned to Egypt because of an overwhelming conviction that he had been chosen to be their liberator against all odds. When he succeeded, he found himself in the position of being the leader of a loose confederation of clans bound together by common memories and traditions, but lacking the laws and institutions needed for peoplehood or nationhood. His task became to create the foundations for their continued existence. The choices that he made—under divine guidance, if you will—were crucial for the future not only of the Israelites, but of humanity as a whole. Moses chose to believe in one, righteous God, in one humanity with men and women created equal, and in a society based on the principles of equality.

During the years of their wilderness journey, a journey that stretched far beyond what had been expected, Moses developed the codes that would guide the Israelites both in the wilderness and later in their own land. He taught them his view of the world, of God, and of morality, and translated these concepts into rules of conduct that were later expanded and expounded by others to meet the needs of the time. These concepts came to him as flashes of inspiration, as revelations from a divine power, YHVH, the source of all being.

To a large extent, these fundamental beliefs stood in stark opposition

to the accepted truths of the ancient civilizations of Egypt and Mesopotamia and must have been difficult for many in his group to accept. These beliefs concern a new understanding of God—above nature and all forces, interacting in human history to bring about freedom and justice—of the proper worship of God, and of the demands and concerns of God. They teach a new conception of the value and purpose of human life, of the unity of humankind, and of the equality of men and women. They include the creation of a society in which there is equity in ownership of land and of wealth, a society in which rich and poor are treated equally by the law, a society free of class distinctions in which there is great care for those who are powerless. They envision a nation in which no human being has ultimate power, for rulership is invested in God alone and even the most powerful person is subject to the laws of God's morality. The concepts taught by Moses did away with magic, myth, and superstition. They invested all humans with the right to know and understand the desires of God. They taught that humans should be free, that slavery was an evil, and that humans have both free will and the responsibility to make choices in life.

Moses was nevertheless a man of his time, bound to some extent by the limited perspectives that constrain all human endeavors and by conventions of society that could not be changed overnight. Therefore the laws promulgated in *Torat* Moshe did not always fully realize the radical ideas that were expressed there. As Maimonides later explained it, even God would have found it impossible to suddenly change from one extreme to the other on many matters. Was Moses himself aware of that, or did he simply accept some of the limitations of the time? These limitations can be seen primarily in three areas:

- Sacrifices: Sacrifices lost their original function as magical rites and sustenance for the gods, but the outer form of sacrificing animals continued,
- 2. Slavery: Israelite slavery was eliminated and became indentured servitude. Non-Israelite slavery continued, however, although in a modified and more humane form.
- 3. Women's equality: In matters of marriage, divorce, and inheritance, women did have not equal rights. This reflected the social reality of the time, in which women were dependent on men for protection and for a

livelihood.

In all three areas, attempts to correct these problems have been made through Rabbinic interpretation of the Torah as well as Rabbinic innovation, but more remains to be done. Doing so would mean following the ideals of the Torah to their logical conclusion. God does not need or desire sacrifice. Human beings have the absolute right to freedom. Women are the equal of men and must not be subject to rules that deny them these rights.

To summarize, the absolute truths that formed the basis for Moses's teachings can be grouped into three categories: God, humanity, and society.

God

Moses believed in monotheism, the belief in one God who was the Creator and Sustainer of the universe. This God is the sole divine power that exists and is not subject to nature, fate, or any other outside powers. God has no physical needs, has no beginning and no end, cannot be confined to one place, and cannot be controlled or manipulated by magic or spells. No divine power of evil exists. Any physical representation of God is forbidden as a distraction from God's true being. God is just and merciful and demands that human beings be just and merciful. Ritual and worship of this God are secondary to right conduct and are meaningless without it. God does not require magnificent structures for worship any more than God requires sacrificial offerings. These means of worship are available for the benefit of human beings and to enable them to feel closer to the Divine. Organized worship can be conducted by people who have no divine powers. They merely represent God to the people and the people to God, teaching the people God's ways and blessing them in God's name.

Humanity

Human beings were created by God in the image of God. Therefore, human life is of infinite value and is inviolate. All human beings, men and women, rich and poor, free and slave, from whatever nation and of whatever race and color, are equal. Freedom is the rightful human condition. Slavery is evil, and everything must be done to alleviate and eliminate it.

Society

Society should be organized in such a way that the disparity between rich and poor is reduced as much as possible. The land itself and its resources belong not to individuals but to God and must be shared by all. No one should be allowed to fall into debt and irreversible poverty. Those who are powerless must be protected by the rules of society. Power must be shared and not concentrated in any one individual. All human beings have the right to a day of rest.

These are the self-evident, revolutionary truths that Moses taught. He was a religious reformer and a social reformer. We often picture him breaking the tablets of the Decalogue as a symbol of the broken covenant. But he also broke the tablets on which were written the beliefs of Mesopotamia and tore the pages on which were written the beliefs of Egyptian religion. His truths freed human beings from the shackles of ignorance, magic, and superstition and from the tyranny of human despots. Humans have control over their own minds, their own thoughts, and their own lives.

More than three thousand years have passed since Moses's truths were first formulated. Much has changed during that time. New understandings of science, new developments of technology, new forms of human thought and government have emerged, but human beings and human actions and human needs remain much the same.

Nor have we ever totally achieved the vision that Moses bequeathed to us. It remains as vital today as it ever was, a guide to life and a challenge to humanity. To the instruction of Moses, then, we can apply the words of Proverbs 4:2: "For I have given you good teaching, do not abandon my instruction."

Notes

Introduction: *Torat Moshe*—The Teaching of Moses

- 1. Solomon Schechier, Studies in *Judaism* (New York: Meridian Books, 1958), 17.
- 2. Jeffrey H. Tigay, *The JPS Torah Commentary: Deuteronomy* (Philadelphia: Jewish Publication Society, 1996), xxvi.
- 3. Reuven Hammer, Entering Torah (Jerusalem: Geffen Press, 2008), 7.
- 1. God Is Unique
- 1. This is translated in the New Jewish Publication Society (NJPS) version as "When God began to create the heavens and the earth." and by Everett Fox as "At the beginning of God's creating."
- 2. The second story of creation introduces God in a similar fashion: "Such is the story of heaven and earth when they were created. When YHVH God made heaven and earth" (Gen. 2:4).
- 3. By "mythology" we do not mean any story that is not factual, but stories about the lives of the gods.
- 4. Yehezkel Kaufmann, *The Religion of Israel*, trans. and abridged by Moshe Greenberg (Chicago: University of Chicago Press, 1960), 17.
- 5. Other possibilities are "1 am who 1 am" and "1 will be what 1 will be." See NJPS.
- 6. Moshe Greenberg, *Understanding Exodus* (New York: Behrman House, 1969), 83.
- 7. Martin Buber, Moses (New York: Harper Torchbooks, 1958), 52ff.
- 8. James B. Pritchard, ed.. *The Ancient Near East: An* Anthology *of Text and Pictures* (Princeton, NJ: Princeton University Press, 1958), 1:3Iff.; Nahum M. Sarna, Understanding *Genesis* (New York: Jewish Theological Seminary of America, 1966), 9ff.
- 9. Yochanan Muffs, *The Personhood of God* (Woodstock, VT: Jewish Lights Publishing, 2005), 9-10.
- 10. "The Bible nowhere denies the existence of the gods; it ignores them" (Kaufmann, Religion, 20). According to Kaufmann, by the time of the biblical age, Israel viewed paganism as no more than fetishism. Any worship of idols in Israel at that time would have been just that, with no understanding of the true nature of polytheism, which by then had been completely obliterated from Israelite religion.
- 11. This concept may lay behind the references to adat el, "the

- congregation of the divine," although in the religion of Israel this means not gods but angelic beings.
- 12. E. A. Speiser, Genesis, Anchor Bible Series (Garden City, NY: Doubleday and Company, 1964), xlviii.
- 13. Buber, Moses, 52IT.
- 14. See Kaufmann, *Religion*, 226. Pharaoh Akhenaton also considered himself a god, so it is not certain that this was even monism. In any case, it was the worship of a part of nature and as such was as pagan as any other religious belief.
- 15. Ibid, 227.
- 16. Muffs, Personhood, 12; Kaufmann, Religion, 21ff.
- 17. Very likely that is why when Moses asks what God's name is, God replies with a description—"I am what I am"—rather than with a name. For pagans, the knowledge of the name was the key to controlling the god by means of magic.
- 18. See, for example. Genesis 16:7,19:1; Exodus 3:2.
- 19. This is the intent of Abraham Joshua Heschel's writings in books such as *God* in Search *oj Man*.
- 20. Even though Exodus says the opposite: "And they saw the God of Israel" (Exod. 24:10-11).
- 21. Note that in the Babylonian myth, when the flood is over and the hero offers a sacrifice, the gods, having been deprived of food, swarm down like flies to devour it. The Torah says only that "YHVH smelled the pleasing odor" (Gen. 8:21).
- 22. See Maimonides, *The Guide Jor* the *Perplexed*, pt. 1, chap. 36.
- 23. See MufTs, Personhood, 1-4,55-60.
- 24. Jeffrey H. Tigay, The *JPS Torah Commentary:* Deu*leronomy* (Philadelphia: Jewish Publication Society, 1996), 438ff.
- 25. Greenberg, *Understanding Exodus*, 133.
- 26. The Torah does not make this demand, although the story of the Exodus seems to imply it. Deuteronomy 4:19 even stales that God created the heavenly bodies for other nations to worship, although forbidding it to Israel.
- 27. Mordecai M. Kaplan, Judaism as a Civilization: Toward a Reconstruction of American-Jewish Life (New York: Reconstruction^ Press, 1957), pt. 5, where he discusses the idea of God.
- 28. Abraham Joshua Heschel, God in Search of Man (Philadelphia:

- Jewish Publication Society of America, 1956), chap. 12.
- 29. Muffs, Personhood, 4.
- 30. See the discussion in chapters 2 and 8.
- 31. See Milton Steinberg, Anatomy of Faith (New York: Harcourt, Brace, 1960), pt. 1.
- 32. Ibid., 91.
- 2. No Divine Power of Evil Exists
- 1. Yehezkel Kaufmann, The Religion of Israel, trans. and abridged by Moshe Greenberg (Chicago: University of Chicago Press, 1960), 23.
- 2. Ibid., 27.
- 3. Shalom M. Paul, Isaiah 40-66 (Jerusalem: Magnes Press. 2008), 219ff.
- 4. Kaufmann, Religion, 64.
- 5. John Milton. Paradise Lost, bk. 1, lines 159fT.
- 6. Robert Gordis, The Book of God and Man (Chicago: University of Chicago Press, 1965), 71. See also pp. 216-17.
- 7. Archibald MacLeish, J.B. (Boston: Houghton Mifflin, 1956).
- 8. For more on the power of the evil inclination, see George Foot Moore, Judaism (Cambridge, MA: Harvard University Press, 1946), 1:468ff.
- 9. Genesis Rabbah 22:9.
- 10. See Abba Hillel Silver, Where Judaism Differed (New York: Macmillan, 1963), 162ff.
- 11. Ecclesiastes Rabbah to 4:13. See a full discussion of this in Milton Steinberg, Anatomy of Faith (New York: Harcourt, 1960), 28off.
- 12. Translation of Robert Gordis, Booh of God, 119.
- 13. Ibid., 133.
- 14. Moshe Greenberg, Studies in the Bible and Jewish Thought (Philadelphia: Jewish Publication Society, 1995), 352.
- 15. Milton Steinberg, Anatomy of Faith, 274ff. 'Surd" in mathematics refers to an irrational number, in phonics to an unheard syllable, and in general means something that does not follow expected patterns—therefore, chance.
- 3. Morality Is God's Supreme Demand
- 1. [Genesis Rabbah 49:18.]
- 2. [As indicated in Exodus 33:13, "Let me know Your ways, that I may know

You.']

- 3. [Louis Finkelstein, Symbols and Values.' An Initial Study (New York: Harper and Brothers, 1954), 93.]
- 4. [James B. Pritchard, ed., Ancient Near Eastern Texts Relating to the Old Testament (Princeton, NJ: Princeton University Press, 1955), 165.]
- 5. [Moshe Greenberg, Studies in the Bible and Jewish Thought (Philadelphia: Jewish Publication Society, 1995), 29.]
- 6. [Greenberg, Studies, 29 and 40nl4.]
- 7. [Ibid., 30,40nl5.]
- 8. [See the discussion of this in chapter 5.]
- 9. [See the strict laws of evidence in Mishnah Sanhedrin 5.]
- 10. [Abraham Joshua Heschel, God in Search of Man (Philadelphia: Jewish Publication Society, 1956), 136. The italics are Heschel's,]
- 11.[Ibid., 387-88.]
- 12. [Pritchard, Ancient Near Eastern Texts, 104. See also Nahum M. Sarna, Understanding Genesis (New York: Jewish Theological Seminary of America, 1966), 50.]
- 13. [Pritchard, Ancient Near Eastern Texts, 93.]
- 14. [Yehezkel Kaufmann. The Religion of Israel, trans. and abridged by Moshe Greenberg (Chicago: University of Chicago Press, 1960), 328.]
- 15. [See Baruch A. Levine, "On the Presence of God in Biblical Religion," in Religions in Antiquity, ed. Jacob Neusner (Leiden, Netherlands: Brill, 1968), 79.]
- 16. [Shalom Spiegel, Amos versus Amaziah (New York: Jewish Theological Seminary of America, 1957), 41-43.]
- 17. [Abraham J. Heschel, The Prophets (Philadelphia: Jewish Publication Society, 1962), 16.]
- 18. [Kaufmann, Religion, 328-29.]
- 19. [Sifra, Kedoshim 4.]
- 4. Worship Is for the Benefit of Humans
- 1. Translation suggested by Jeffrey H. Tigay, *The JPS Torah Commentary: Deuteronomy* (Philadelphia: Jewish Publication Society, 1996), 65.
- 2. Ibid., 48.
- 3. Jeroboam says of the calf the same thing the people said of Aaron's calf: "This is your god, O Israel, who brought you up from the land of Egypt!"

- 4. See also Numbers 11:16,
- 5. A few exceptions exist, such as Judges 20:27 and 1 Samuel 3.
- 6. Yehezkel Kaufmann, *The Religion of Israel*, irans. and abridged by Moshe Greenberg (Chicago: University of Chicago Press, 1960), 238.
- 7. See ibid., 110(t
- 8. James B. Pritchard, ed.. *Ancient Near Eastern Texts Relating to the Old Testament* (Princeton, NJ: Princeton University Press, 1955), 95.
- 9. Kaufmann, Religion, 111.
- 10. Maimonides, Guide for the Perplexed, pt. 3, chap. 32.
- 11. Kaufmann, Religion, 303.
- 12. Pritchard, Ancient Near Eastern Texts, 325.
- 13. Kaufmann, Religion, 54.
- 14. Shavuot, the third festival, is actually seen as the continuation and climax of the spring holiday, coming at the conclusion of seven weeks after Pesach, just as Shemini Atzeret comes after seven days of Sukkot. It was not given a historical meaning—the revelation at Sinai—until the post-biblical period.
- 5. Human Life Is Sacred
- 1. [James B. Pritchard, ed., Ancient Near Eastern Texts Relating to the Old Testament (Princeton, NJ: Princeton University Press, 1955), 68. See also E. A. Speiser, Genesis, Anchor Bible Series (Garden City, NY: Doubleday, 1964), 9-11, for a detailed comparison of these ancient texts to Genesis.]
- 2. [Pritchard, Ancient Near Eastern Texts, 99.]
- 3. [Speiser, Genesis, 8.]
- 4. [Or, as Umberto Cassuto suggested, it is the "language of encouragement," prodding oneself to action. See his Perush af Sejer Bereshit: Me-Adam ad Noach [A Commentary on the Book of Genesis: From Adam to Noah] (Jerusalem: Magnes Press, 1953), 34.]
- 5. [Moshe Greenberg, Studies in the Bible and Jewish Thought (Philadelphia: Jewish Publication Society, 1995), 31-34.]
- 6. [Ibid., 32.]
- 7. [Ibid.]
- 8. [Mekhilta, Bachodesh 8, ed. Jacob Lauterbach (Philadelphia: Jewish Publication Society, 1949), 2:262.]
- 9. [Leviticus Rabbah 34:3.]
- 10. [Maimonides's Commentary on the Mishnah, Sanhedrin 10. These

- have been popularized in the hymn "Yigdal." Maimonides's ideas, including the denial of any physical form to God, were the subject of great debate.]
- 11. [Cassuto, Perush, 34-35.]
- 12. [Nahum M. Santa, Understanding Genesis (New York: Jewish Theological Seminary of America, 1966), 15-16.]
- 13. [Elsewhere the word "image," tzelem, is found in reference to idols and images of false gods. Hillels story is comparing the human being to these images.]
- 14. [Speiser, Genesis, 15.]
- 15. [Ibid., 18-19.]
- 16. [The creation of the human serves to explain the name adam as coming from the word adamah, "earth." This also follows ancient Near Eastern texts in which the human creature is created from clay. See Pritchard, Ancient Near Eastern Texts, 99, and Sarna, Understanding Genesis, 15.]
- 17. [Speiser, Genesis, 27; Pritchard, Ancient Near Eastern Texts, 75.]
- 18. [On the evil urge and human freedom, see chapter 8.]
- 19. [Romans 5:19.]
- 20. [See Abba Hillel Silver, Where Judaism Differed (New York: Macmillan, 1963), chap. 10.]
- 21. [Leo Baeck, Judaism and Christianity (Philadelphia: Jewish Publication Society, 1958), 244.]
- 6. All Human Beings Are Equal
- 1. [Based on the translation of Everett Fox in The Five Books of Moses (New York: Schocken Books, 1995).]
- 2. [The Hebrew word adam is both the name of the first man and a word that means "a man" or "a person."]
- 3. [Moshe Greenberg. Studies in the Bible and Jewish Thought (Philadelphia: Jewish Publication Society, 1995), 373.]
- 4. [Ibid., 371.]
- 5. [See Jacob Lauterbach, "The Attitude of the Jew toward the Non-Jew," in Central Conference of American Rabbis Yearbook 31, ed. Isaac E. Maruson (Cincinnati: Central Conference of American Rabbis, 1921), 193.]
- 6. [See Louis Ginzberg, The Legends of the Jews (Philadelphia: Jewish Publication Society, 1909), 1:54-55, and (1925), 5:15-16.]

- 7. [Whether they are Israelites is a matter of dispute among biblical scholars, both ancient and modern.]
- 8. [See Nahum M. Sarna, The JPS Torah Commentary: Genesis (Philadelphia: Jewish Publication Society, 1989), 66.]
- 9. [Greenberg, Studies. 388-90.]
- 10. [See chapter 13 for a full discussion of the treatment of the stranger.]
- 11. [Beit HaBechirah, Avodah Zarah 20.]
- 12. [Lauterbach, "Attitude," 185.]
- 13. [Eliezer Schweid, Democracy and Halakhah (Lanham, MD: University Press of America, 2002), 66.]
- 14. [Lauterbach, "Attitude," 222.]
- 15. [Tama d'vei Eliyahu 9.]
- 16. [Sifra, Kedoshim 4.]
- 17. [Sefer HaBerit, cited by Greenberg, Studies, 387.]
- 18. Henry Alonzo Myers, Are Men Equal? An Inquiry into the Meaning of American Democracy (Ithaca, NY: Cornell University Press, 1945), 35.
- 19. Ibid., 16.
- 7. Men and Women Are Equal
- 1. [Translation of Everett Fox in The Five Books of Moses (New York: Schocken Books, 1995).]
- 2. [Genesis Rabbalt 8:1. This midrash may be an attempt to unite the two creation stones: the first, saying that male and female were created together, represents the creation of one creature with two facets; the second story, the creation of Eve from Adam, represents the next stage, separation into two creatures.]
- 3. [Nahum M. Sama, The JPS Torah Commentary: Genesis (Philadelphia: Jewish Publication Society, 1989), 13.]
- 4. [See chapter 5 for a discussion of these two sources.]
- 5. [James B. Pritchard, ed.. The Ancient Near East: An Anthology of Text and Pictures (Princeton, NJ: Princeton University Press, 1958), 99.]
- 6. [Martin Luther, Table-Talk, no. 727.]
- 7. [Italics mine.]
- 8. [Or possibly "the woman of torches," that is, the woman who is the torch lighting the way to victory.]
- 9. [Tikva Frymer-Kensky, "Virginity in the Bible," in Gender and Law in

- the Hebrew Bible and the Ancient Near East, ed. Victor H. Matthews, Bernard M. Levinson, and Tikva Frymer-Kensky (London: Sheffield Academic Press, 1998), 86ff.]
- 10. For a thorough discussion that concludes Dinah did not consent, see S. David Sperling, "Dinah, 'Innah. and Related Matters.' in Mishneh Torah. ed. Nili S. Fox, David A. Glatt-Gilad, and Michael J. Williams (Winona Lake, IN: Eisenbrauns, 2008).
- 11. [Hillel I Millgram, Four Biblical Heroines and the Case for Female Authorship (Jefferson, NC: McFarland, 2008).]
- 12. [Benjamin Segal, The Song of Songs: A Woman in Love (Jerusalem: Gefen, 2009), 166-67.]
- 13. [Tikva Frymer-Kensky, Reading the Women of the Bible (New York: Schocken Books, 2002), xvi.]
- 14. [There is a similar reference to such women in I Samuel 2:22.]
- 15. [Meyer Gruber. The Motherhood of God and Other Studies (Atlanta: Scholars Press, 1992), 62.]
- 16. [Ibid., 66.]
- 17. [Eckart Otto, "False Weights in the Scales of Biblical Justice?' in Matthews et al.. Gender and Law, 129,143.]
- 18. [Frymer-Kensky, Reading the Women, xv.]
- 19 .[See, for example, Harold C. Washington, "Lest He Die in Battle and Another Man Take Her": Violence and the Construction of Gender in the Laws of Deuteronomy 20-22," in Matthews et al.. Gender and Law, 195.]
- 20. [Frymer-Kensky, Reading the Women, 79ff.]
- 21. [Ibid., 84.]
- 22. [Victor H. Matthews, "Honor and Shame in Gender-Related Legal Situations in the Hebrew Bible," in Matthews et al.. Gender and Law, 108.]
- 23. [See Adele Berlin, "Sex and the Single Girl in Deuteronomy 22," in Fox et al., Mishneh Torah, 95ff.]
- 24. [Frymer-Kensky, Reading the Women, 95.]
- 25. [Otto, "False Weights," in Matthews et al.. Gender and the Law, 135.]
- 26. [Ibid., 133.]
- 27. [Ibid., 139-40.]
- 28. [Jeffrey Tigay's position on this is that they may have been

- discussing different cases and that Exodus may have intended to include women as well. See Jeffrey H. Tigay, The JPS Torah Commentary: Deuteronomy (Philadelphia: Jewish Publication Society, 1996), 148.]
- 29. [Carolyn Pressler, "Wives and Daughters, Bond and Free," in Matthews et al., Gender and Law, 157-161.]
- 30. [See Jacob Milgrom, The JPS Torah Commentary: Numbers (Philadelphia: Jewish Publication Society, 1990), 347-48.]
- 31. [See the discussion in Victor H. Matthews, "Honor and Shame," in Matthews et al., Gender and Law, 102ff.]
- 32. [Judith Hauptman, Rereading the Rabbis: A Woman's Voice (Boulder, CO: West view Press, 1998), 18.]
- 33. [Ibid., 67. See also p. 74, where Hauptman states that marriage underwent a radical change in the Rabbinic period, conferring more rights and benefits upon both women and men, thereby changing marriage from chattel into a negotiated relationship.]
- 34. [Tigay, JPS Torah Commentary: Deuteronomy, 221.]
- 35. [See the discussion in Hauptman, Rereading the Rabbis, 116ff.]
- 36. [Ibid., 4.]
- 37. [Milgrom, JPS Torah Commentary: Numbers, 482.]
- 38. [Otto, "False Weights," 140.]
- 8. Human Beings Have Free Will
- 1. [Philo, "On the Unchangeableness of God," in The Works of Philo Judaeus, trans. from the Greek by Charles Duke Yonge (London: H. G. Bohn, 1854-90), 46-50.]
- 2. [William Shakespeare, Hamlet (New Haven: Yale University Press, 1947), 159.]
- 3. [Sophocles, Oedipus the King, in The Complete Greek Tragedies, vol. 2, ed. David Grene and Richard Lattimore (Chicago: University of Chicago Press, 1992), 41.]
- 4. [Ibid., 45.]
- *5.* [*Ibid.*, 46.]
- 6. [Yehezkel Kaufmann, The Religion of Israel, trans. and abridged by Moshe Greenberg (Chicago: University of Chicago Press. 1960), 33.]
- 7. [Abraham J. Heschel, Who Is Man? (Stanford, CA: Stanford University Press, 1965), 9.]
- 8. [Quoted in Walter Isaacson, Einstein (New York: Simon and

- Schuster, 2007), 387.]
- 9. [Ibid., 391.]
- 10. [Ibid., 392.]
- 11. [See Abba Hillel Silver, Where Judaism Differed (New York: Macmillan, 1963), 243-53.]
- 12. [Viktor Frankl, The Will to Meaning: Foundations and Applications of Logotherapy (New York: World Publishing, 1969), 16.]
- 13. [Kaufmann, Religion, 293.]
- 14. [Genesis Rabbah 53:18.]
- 15. [Kaufmann, Religion, 295.]
- *16.* [*Genesis Rabbah 9:7.*]
- 17. [See the discussion in Milton Steinberg's Anatomy of Faith (New York: Harcourt. Brace, 1960), 193: "The ancient rabbis ... never minimized the yezer ha-ra. It was compared to 'the old, stupid king' of Ecclesiastes, while the yezer ha-tov—the good inclination—is but a needy, though wise, child (Kohelet Rabbah 4:13)."]
- 18. [Kaufmann, Religion, 329.]
- 19. [Louis Jacobs, Religion and the Individual (Cambridge: Cambridge University Press, 1992), 79.]
- 20. [Louis Jacobs, A Jewish Theology (London: Darton, Longman and Todd, 1973), 78-79. See also Jacob B. Agus, The Evolution of Jewish Thought (London: Abelard-Schuman, 1959), 224, 403ff.]
- 21. [See George Foot Moore. Judaism (Cambridge, MA: Harvard University Press, 1946), 1:454ff.]
- 22. [See a full discussion in Jacobs, A Jewish Theology, 72-80.]
- 23. [See Jacobs, Religion. 79-80.]
- 24. [Moshe Greenberg. Understanding Exodus (New York: Behrman House, 1969), 182.]
- 25. [Collected Works of Abraham Lincoln, ed. Roy R Basler (New Brunswick, NJ: Ruigers University Press, 1953), 5:404.]
- 26. [Nahum M. Sarna, The JPS Torah Commentary: Exodus (Philadelphia: Jewish Publication Society, 1991), 21,]
- 27. [Greenberg, Understanding Exodus, 182.]
- 28. [Brevard S. Childs, in The Book of Exodus (Philadelphia: Westminster Press, 1974), 174, comes to the conclusion that "all attempts to relate hardness of heart to a psychological state or derive it from a theology of divine causality miss the mark. The motif of

hardening in Exodus stems from a specific interpretation of the functions of signs... which continued to fail in their purpose. Hardening was the vocabulary used by the biblical writers to describe the resistance which prevented the signs from achieving their assigned task. The motif has been consistently over-interpreted by supposing that it arose from a profoundly theological reflection and seeing it as a problem of free will and predestination."]

- 29. [Frankl, Will to Meaning, 73.]
- 30. [See Reuven Hammer, Entering the High Holy Days (Philadelphia: Jewish Publication Society, 1998), for a full discussion of these concepts.]
- 9. Human Sovereignty Is Limited
- 1. [In all likelihood, the monarchical system in both Israel and Judah already existed when Deuteronomy was written, even if it casts itself as being the words of Moses.]
- 2. [See Jacob Milgrom, Leviticus 23-27, Anchor Bible Series (New York: Doubleday, 1991), 247.]
- 3. [Michael Walzer, Exodus and Revolution (New York: Basic Books, 1985), 126.]
- 4. [Moshe Greenberg, Studies in the Bible and Jewish Thought (Philadelphia: Jewish Publication Society, 1995), 54.]
- 5. [Martin Buber, The Kingship of God (New York: Harper and Row, 1967), 59.]
- 6. [Moshe Greenberg, Studies, 54, 57.]
- 7. [See Moshe Weinfeld, Deuteronomy and the Deuteronomic School (Oxford: Clarendon Press, 1972), 82.]
- 8. [See Judah Goldin, The Song at the Sea (Philadelphia: Jewish Publication Society, 1990), 57.]
- 9. [Buber, Kingship, 136.]
- 10. [Weinfeld, Deuteronomic School, 83.]
- 11. [See also Psalms 22:29,95:3,96:10,97:1,99:1, and 99:4.]
- 12. [There are two passages in Genesis in which the patriarchs are promised that "sovereigns will emerge from you"—Genesis 17:6 and 35:11. Martin Buber believes these sections to have originated after the Davidic dynasty] was established. See his discussion of this issue in The Kingship of God, 40ff. The fact remains that other than in Deuteronomy, there are no laws indicating sovereigns are to be

- appointed at any time.]
- 13.[See Jeffrey H. Tigay, The JPS Torah Commentary; Deuteronomy (Philadelphia: Jewish Publication Society, 1996), xxiiff.]
- 14. [Italics mine.]
- 15. [Greenberg, Studies, 54.]
- 16. [In his seminal work on Deuteronomy, Moshe Weinfeld takes a different point of view. He believes that the Deuteronomist has a positive attitude toward the monarchy and that his restrictions were directed at Solomon's excesses. Weinfeld points out that the end of the section on sovereigns mentions that if the sovereign is faithful to God's teaching, then "he and his descendants may reign long in the midst of Israel"; see Deuteronomic School, 169. Weinfeld accepts, however, that the idea of a human sovereign was not found in the Torah or in reality before the time of Samuel and was in contradiction to the Mosaic ideal of the Sovereignty of God.]
- 17. [Greenberg, Studies, 59.]
- 18. [W G. Lambert, Babylonian Wisdom Literature (Oxford: Clarendon Press, 1967), 1121T. J. J. Finkelstein, "Mesopotamian Historiography," Proceedings of the American Philosophical Society 107, no. 6 (1963): 472, points out that this document uses the terminology of omen texts, which are texts that predict what will happen based on omens. Thus, based on what has happened in the past when certain omens appear, the prince knows that these actions will have dire consequences. This seems very different from direct confrontation between a prophet and a monarch over the monarch's immoral action.]
- 10. The Priesthood Is Divorced from Magic
- 1. ["Although this divine Name is usually translated 'God Almighty' there are no convincing traditions as to its meaning" (Nahum Sama, The JPS Torah Commentary: Exodus [Philadelphia: Jewish Publication Society, 1991]. 31; see also Excursus 4, 269).]
- 2. [See the discussion of this name in chapter 1.]
- 3. [Jacob Milgrom, The JPS Torah Commentary: Numbers (Philadelphia: Jewish Publication Society, 1990), 343.]
- 4. [See the references cited by Milgrom. JPS Torah Commentary: Numbers, 341.]
- 5. [Josephus, 2.119, 1 Laws 156.]

- 6. [The relationship between the priests and the Levites and the historical development of the Levites are complicated and difficult to ascertain. For a full treatment of the various views of the problem, see Yehezkel Kaufmann, The Religion of Israel, trans. and abridged by Moshe Greenberg (Chicago: University of Chicago Press, 1960), 193-200. Kaufmann's own view is that the Aaronides "are the ancient, pagan priesthood of Israel" (197), while the Leviie tribe stood at Moses's side against Aaron in the matter of the Golden Calf. The Aaronides were "too venerable to be set aside, but henceforth Levi shares with them the sacred service. The Aaronides demand the exclusive privilege of serving the altar and consent to Levi's being only hietodules" (198).
- 7. Ibid., 239.
- 8. Note Aaron's complaint against Moses's exclusive powers in Numbers 12:2.
- 9. Kaufmann, Religion, 185.
- 10. H. H. Ben-Sasson, ed, A *History of the Jewish People* (Cambridge, MA: Harvard University Press, 1976), 191.
- 11. J. J. Finkelstein, "Mesopotamian Historiography," *Proceedings of the American Philosophical Society* 107, no. 6 (1963): 464-65.
- 12. See Mishnah Sotah 9:12; Talmud, Sotah 48b.
- 13. Milgrom, JPS Torah Commentary: Numbers, 236.
- 14. The strange story in Exodus 4:24-26 of Zipporah saving the life of either Moses or her son (it is not clear which) through circumcising the son is the only instance in the Torah that resembles healing through a magical rite.
- 15. Baruch A. Levine, *The JPS Torah Commentary: Leviticus* (Philadelphia: Jewish Publication Society, 1989), 75.
- 16. The story of Aaron taking incense as an emergency measure to stop a plague in Numbers 17:11-13 is the only recorded incident involving a priest in a lifesaving measure. Even there, it is basically an act of "expiation" similar to that made on behalf of the sins of the people on Yom Kippur.
- 17. See also 2 Chronicles 19:8-11.
- 18. Jeffrey H. Tigay, *The JPS Torah Commentary: Deuteronomy* (Philadelphia: Jewish Publication Society, 1996), 325.
- 19. See Milgrom's discussion of the blessing in JPS Torah Commentary:

Numbers, 36off.

- 20. This is stated in the Mishnah at the beginning of the tractate *Pirkei Avot*: "Moses received Torah from |God] at Sinai and transmitted it to Joshua, Joshua to the elders, the elders to the prophets, and the prophets transmitted it to the members of the Great Assembly" (*Pirkei Avot* 1:1).
- 21. The exception to this was women, who did not receive rabbinic authority until modern times, and then only in certain circles.
- 11. Land and Wealth Are to Be Distributed Equally
- 1. Baruch A. Levine. *The JPS Torah Commentary:* Leviticus (Philadelphia: Jewish Publication Society. 1989), 169. Levine argues that these regulations in Leviticus are later than those in Exodus or Deuteronomy and reflect the situation in Judea after the return from the Babylonian exile (2701L). Another outstanding scholar. Jeffrey Ttgay. seems to take a different approach and states that the Leviticus regulations are incompatible with those of Exodus but that "it is not clear if this system is derived from a geographical or chronological background different from that of Exodus 21 and Deuteronomy, or if it simply reflects the approach of another school of thought" (The *JPS Torah Commentary: Deuteronomy* [Philadelphia: Jewish Publication Society, 19961, 476). Regardless of when it was formulated exactly, a matter of dispute among scholars, my contention is that the basic regulations concerning land were the early work of Moses and those who interpreted his ideas when the settlement took place.
- 2. Moshe Greenberg, Studies in *the* Bible *and Jewish Thought* (Philadelphia: Jewish Publication Society, 1995), 54.
- 3. Levine, JPS Torah Commentary: Leviticus, 272.
- 4. Jacob Milgrom, Leviticus 23-27, Anchor Bible Series (New York: Doubleday. 2001), 2154, 2160.
- 5. Ibid., 2212.
- 6. Ibid., 2246.
- 7. Ibid., 2156. Milgrom believes that the sabbatical year of Exodus was not a fixed year. Rather, after any period of six years, the land was left fallow the seventh year, while Leviticus prescribes the same seventh year for the entire land.
- 8. Ibid.
- 9. Milgrom. Leviticus 23-27, 2189.

- 10. Neal M. Soss, "Old Testament Law and Economic Society," *Journal of the History of Ideas* 34 (1973): 339.
- 11. Milgrom. Leviticus 23-27,2191.
- 12. See Levine's opinion on this, in *JPS* Torah *Commentary: Leviticus*, 273-74.
- 13. Milgrom, Leviticus 23-27,2198.
- 14. Ibid, 2243-45.
- 15. Soss, 'Old Testament Law," 332.
- 16. Tigay, JPS Torah Commentary: Deuteronomy, 145.
- 17. Milgrom, Leviticus 23-27, 2174.
- 18. See Tigay, *JPS Torah Commentary:* Leviticus, 467-68. The observance of the sabbatical year is mentioned by Josephus in Antiquities 11:338 and 14:202 and in the apocryphal book 1 Maccabees 6:49, 53-54.
- 19. See Tigay, *JPS Torah Commentary: Deuteronomy*, 145; and Milgrom, Leviticus 23-27,2167.
- 20. See 2 Kings 12:5-17, 22:2-3; 2 Chronicles 25:5-14, 34:8-14; and Nehemiah 10:33-34.
- 21. See Yehezkel Kaufmann. *The Religion of Israel*, trans. and abridged by Moshe Greenberg (Chicago: University of Chicago Press, 1960), 187-193, on the various laws of tithing.
- 22. See Tigay, JPS Torah Commentary: Deuteronomy, 142-144.
- 23. See Kaufmann, Religion, 192-93.
- 24. Soss, "Old Testament Law," 343.
- 25. See Milgrom, Leviticus 23-27, 2271. He movingly describes his participation in a conference on the Jubilee attended by representatives of the Third World who made it their "rallying cry."
- 12. Slavery Must Be Mitigated
- 1. Catherine Hezser, Jewish Slavery in *Antiquity* (Oxford: Oxford University Press, 2005), 222.
- 2. Some scholars, such as E. E. Urbach, coniend that after the Maccabean era there were no Jewish slaves among Jews, but there is no evidence proving that. See Urbach, "The Laws Regarding Slavery as a Source for Social History of the Period of the Second Temple, the Mishnah and Talmud," in *Papers of the Institute of Jewish Studies*, ed. J. G. Weiss (Jerusalem: Magnes Press, 1964), 1:4.
- 3. Hezser, Jewish Slavery, 2.

- 4. Ibid., 376.
- 5. Ibid., 11.
- 6. In Mehhilta de-Rabbi Ishmael: A Critical Edition, Based on the Manuscripts and Early Editions, with an English Translation, Introduction, and Notes (Philadelphia: Jewish Publication Society, 1933), 3:3n3.
- 7. Mekhilta, Nezihin 3:4.
- 8. Nahum M. Sama, *Exploring Exodus* (New York: Schocken Books, 1986), 159
- 9. Although according to the traditional understanding he serves six years and then goes free on the seventh, as found in *Mehhilta, Nezihin* 1, some modern commentators such as Nahum Sarna and Baruch Levine believe that the release was always in the sabbatical year, regardless of when the servitude began. See Baruch A. Levine, *The JPS Torah Commentary: Leviticus* (Philadelphia: Jewish Publication Society, 1989), 271.
- 10. Moshe Greenberg, *Understanding Exodus* (New York: Behrman House. 1969), 181.
- 11. Lekach Tov to Exodus 21:2.
- 12. Sifra, Behar 6:1.
- 13. Although the text is not clear on this issue, many biblical scholars believe that this provision deals with non-Israelite slaves who run away from masters elsewhere and seek refuge in Israel. Does it also apply to Israelites? See Jeffrey Tigay, *The JPS Torah Commentary: Deuteronomy* (Philadelphia: Jewish Publication Society, 1996), 215.
- 14. Catherine Hezser takes this position; see Hezser, Jewish Slavery, 268.
- 15. Daniela Piattelli, "The Enfranchisement Document on behalf of the Fugitive Slave, and as Elaborated in Rabbinic Jurisprudence," in *Jewish Law Association Studies 3: The Oxford Conference Volume*, ed. A. M. Fuss (Atlanta: Scholars Press, 1987), 59.
- 16. Hezser, Jewish Slavery, 29.
- 17. See also Nehemiah 5:2-13.
- 18. Similarly, *Sifra*, *Behar* 2:4-5, indicates that the Jubilee laws of freeing slaves were not always followed in the Rabbinic period as well.
- 19. Maimonides, Mishneh Torah, Hilkhol Avadim 5:5.
- 20. *Mekhilta, Nezikin* 1. See also Talmud, *Ketubot* 96a; *Sifre*, Devarim 37.

- 21. Sifra, Behar 6:1.
- 22. Tosefta, Baba Kamma 7:5; Talmud, Kiddushin 22b. The word avadim here is often translated "servants," but the force of the verse is really "slaves."
- 23. Flesher interprets the original meaning of this piercing as indicating that from now on, the indentured servant "gives up his independent status, enters the purview of the householder, and becomes the latter's dependent" (Paul Virgil McCraken Flesher, Oxen, Women, or *Citizens?* Slaves in *the System of the Mishnah* [Atlanta: Scholars Press, 19881, 20).
- 24. Mekhilta, Nezikin 2. edition Lauterbach, 3:17.
- 25. Maimonides, Mishneh Torah, Hilkhot Avadim 3:6-7.
- 26. Talmud, *Kiddushin* 17b; Maimonides, *Mishneh Torah*, *Hilkhot Avadim* 2:12. If there is no son, the slave goes free immediately.
- 27. Talmud, Kiddushin 20a and 22a; Sifra, Behar 7:3.
- 28. This was based on an interpretation of Leviticus 25:10 in *Sifra, Behar*: "You shall proclaim release throughout the land for all its inhabitants"—"when all its inhabitants are in the land." See Talmud, *Kiddushin* 69a and *Gittin* 65a.
- 29. Flesher, Oxen, 33; Hezser, Jewish Slavery, 33.
- 30. Mishneh Torah, Hilkhot Avadim 1:10.
- 31. *Yoreh Deah, Avadim* 267. This was brought to my attention by Rabbi Charles Kraus.
- 32. Mishneh Torah, Hilkhot 9:8.
- 33. Ibid.
- 34. Ibid., 2:69.
- 35. See Talmud, *Baba Metzia* 7:6; Maimonides, Miskneh *Torah*, *Hilkhol Avadim*, 4:7,
- 36. Hezser, Jewish Slavery, 211.
- 37. Philo, "The Special Laws," in The Works *of Philo* Judaeus, irans. from the Greek by Charles Duke Yonge (London: H. G. Bohn, 1854-1890), bk. 2, lines 79ff.
- 38. Tigay, JPS Torah Commentary: Deuteronomy, 148.
- 39. Flesher, Oxen, 167.
- 13. The Needy Must Be Cared For
- 1. That is, if he has had to sell or mortgage his land so that he in effect is like the resident alien, a mere tenant in his own home. See Baruch A.

- Levine, *The JPS Torah Commentary: Leviticus* (Philadelphia: Jewish Publication Society, 1989), 178, where he notes, "It could be taken to mean that the person involved may not be evicted from his land, but must be allowed to continue to reside at your side as a member of the community."
- 2. See Leviticus 21 for the special regulations of the kohanim. See Leviticus 25:32 for laws for Levites.
- 3. James B. Pritchard, ed., Ancient Near *Eastern Texts* Relating *to the Old Testament* (Princeton, NJ: Princeton University Press, 1955), 166.
- 4. Ibid., 175.
- 5. Hammurabi in the epilogue claims that he promulgated his laws "that the strong might not oppress the weak, that justice might be dealt the orphan (and) the widow," yet the laws themselves—at least those extant—contain nothing that refers to that specifically and certainly does not contain the laws concerning the needy that the Torah does. See Pritchard, Ancient *Near Eastern Texts*, 178.
- 6. *Mehhilta, Nezihin* 18, iii 137. See also Midrusk *HaCadol* to 22:20, which speaks to two types of wrong and two types of oppression, monetary and verbal.
- 7. See Numbers 9:14, 15:15, 15:29-30; Exodus 12:48-49; Leviticus 7:7, 24:22.
- 8. See *Mishnah Pe'ah* 1:1—2, which sets no limit to the amount that could be left in the comers.
- 9. Nahum M. Santa, *The JPS Torah Commentary: Exodus* (Philadelphia: Jewish Publication Society, 1991), 138. See also Brevard S. Childs, *The Booh of Exodus* (Philadelphia: Westminster Press, 1974), 478,482.
- 10. Jeffrey H. Tigay, *The JPS Torah Commentary: Deuteronomy* (Philadelphia: Jewish Publication Society, 1996), 346-68.
- 11. See Excursus 34 in Jacob Milgrom, *The JPS Torah Commentary: Numbers* (Philadelphia: Jewish Publication Society, 1990), 39811., lor a full explanation of the status of the *ger*. See also Sama, *JPS Torah Commentary: Exodus*, 137.
- 12. Sama, JPS Torah Commentary: Exodus, 137.
- 13. Emil Fackenheim, What Is Judaism? (New York: Summit Books, 1987), 168.
- 14. Sec Tigay. JPS Torah Commentary: Deuteronomy, xxiv.
- 15. For a detailed discussion of usury, see Jacob Lauterbach, "The

Attitude of the Jew toward the Non-Jew," in *Central Conference of American Rabbis Yearbook 31*, ed. Isaac E. Maruson (Cincinnati: Central Conference of American Rabbis, 1921), 210.

- 16. Ibid., 217.
- 17. See Sama, JPS Torah Commentary: Exodus, 139.
- 18. Yehezkel Kaufmann, *The* Religion *of Israel*, trans. and abridged by Moshe Greenberg (Chicago: University of Chicago Press, 1960), 366.
- 19. Ibid., 402.
- 20. Abraham J. Heschel, *The Prophets* (Philadelphia: Jewish Publication Society, 1962), 3-5.
- 21. Mark Zborowski and Elizabeth Herzog, *Life Is with People* (New York: International Universities Press, 1952), 193ff.
- 14. A Day of Rest for All
- 1. Nahum **M.** Sama, *Understanding* Genesis (New York: Jewish Theological Seminary of America, 1966), 20.
- 2. Yehezkel Kaufmann, *The Religion of Israel*, trans. and abridged by Moshe Greenberg (Chicago: University of Chicago Press, 1960), 117.
- 3. Abraham Joshua Heschel, *The Sabbath* (New York: Farrar, Straus and Giroux, 1951), 21.
- 4. Kaufmann, Religion, 117.
- 5. Heschel, Sabbath, 9.
- 6. Mekhilta, Bachodesh 7.
- 7. See Solomon Goldman, *The Ten Commandments* (Chicago: University of Chicago Press, 1956), 161-65, for a discussion of these various theories.
- 8. Theodore H. Gaster, *Festivals of the Jewish Year* (New York: William Sloan, 1953), 267.
- 9. Rabbinic midrash assumes that they observed it, as it anachronistically sees them as observing many of the commandments of the Torah, but this has no historical significance. The midrash even has Adam and Eve observing the Sabbath on their first day of exile from the Garden of Eden (*Avot D'Rabbi Natan* A).
- 10. Goldman, Ten Commandments, 168.
- 11. Italics mine. See also Deuleronomy 5:14, 'so lhai your male and female slave may rest as you do."
- 12. See Jeffrey H. Tigay, *The JPS Torah Commentary: Deuteronomy* (Philadelphia: Jewish Publication Society, 1996), xiii, 69.

- 13. "The Sabbath is a sign of Jewish indolence, was the opinion held by Juvenal, Seneca and others" (Heschel, *Sabbath*, 13).
- 14. See also Amos 8:5, where they cannot wait for the Sabbath to be over so they can engage in dishonest business practices.
- 15. Heschel, Sabbath, 3.
- 16. Ibid., 27.

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Rabbi Reuven Hammer, PhD, is a world renowned scholar, an inspiring Jewish educator and noted Jewish leader. He was named one of the "Forward 50"—a list of the most influential members of the American Jewish community— and is a former president of the International Rabbinical Assembly. He is a recipient of the Simon Greenberg Award for Lifetime Achievement in the Rabbinate by the Zeigler Rabbinical School of American Jewish University. A prolific writer, he is the author of many books, including *Entering the High Holy Days*, a winner of the National Jewish Book Award.

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